

P R E F A C E

The General By-Laws of the Town of Milford were adopted at the Annual Town Meeting on March 7, 1924. Since that time, those By-Laws have been amended on several occasions. In addition, some newer provisions, by covering the whole subject to which they relate, have by implication served to repeal earlier provisions. Moreover, by accepting certain state statutes, the provisions of which are inconsistent with certain provisions of these By-Laws, the Town has rendered the effect of those provisions null and void. This is also true in instances where subsequent enactments of the state Legislature either provide a comprehensive scheme for the regulation of the subject matter also covered by these By-Laws, or are otherwise inconsistent with them.

The following compilation of the General By-Laws of the Town of Milford contains editorial notes which reflect the dates of subsequent amendments, and those provisions which have been repealed by implication or otherwise. In certain instances, editorial corrections and additions have been supplied so that the By-Laws can be more readily understood. Such wording is set forth in parentheses ().

Finally, the 1959 Compilation of these By-Laws contain certain inaccuracies, not in the text, but in the numbering of the Articles of the By-Laws. As such, certain amendments, by referring to the 1959 compilation, would appear to refer to provisions which had not, in fact, been adopted. This compilation places those amendments in the proper relationship to the By-Laws as originally adopted in 1924, and an explanatory note has been provided where such placement has occurred.

This compilation does not include the Town's Zoning By-Laws, its Building Code, its personnel Wage and Salary Administration Plan, or those by-law provisions dealing with the inspection of wires, plumbing and gas, except fee schedules.

TOWN OF MILFORD

Legal Department

GENERAL BY-LAWS

OF THE

TOWN OF MILFORD, MASSACHUSETTS

ARTICLE 1

ANNUAL TOWN MEETING

The Annual Town Meeting for the election of Town Officials, and other matters to be determined by ballot, shall be held on the first Monday of April, and the Annual Town Meeting for the transaction of other business shall be held at such time and place as shall be set forth by the Selectmen in the warrant for the meeting.

NOTE: Amended, Annual Town Meeting (ATM) 1973, Art. 30 and ATM 1976, Art. 71.

ARTICLE 2

FINANCE COMMITTEE

Section 1 (Composition: Term of Office) - There shall be a Finance Committee consisting of fifteen citizens of the Town who shall be sworn to a faithful performance of their duties. No Town Employee or Official, either elective or appointed, shall be eligible to membership on the Finance Committee. For the purposes of this By-Law a person will not be considered a Town Official solely by virtue of being a Town Meeting member.

The Board of Selectmen shall appoint, not later than the first day of May, 1922, the said fifteen citizens, five for the term of one year, five for the term of two years and five for the term of three years, and annually not later than the first day of May, the said Selectmen shall appoint five members for the term of three years in place of those whose term shall expire in that year.

They shall immediately give public notice of such appointment in one of the local newspapers, if there be such.

If any person so appointed does not within fifteen days thereafter take the oath aforesaid, his office shall thereupon become vacant and such vacancy shall forthwith be filled by the Selectmen.

Section 2 (Officers) - The Committee shall meet, choose its own officers, and adopt such rules and regulations affecting its government as may from time to time be necessary.

Section 3 (Filling of Vacancies) - The Committee shall have the power to fill by ballot any vacancies that may occur in its membership by death, resignation, removal from town or other causes.

Section 4 (Powers and Duties) - This Committee shall consider matters relating to the appropriation and expenditure of money by the Town, its indebtedness, the administration of its various departments, property valuations and assessments, and other municipal affairs of the Town, and make such report and recommendation to the Town concerning the same as circumstances and conditions may require.

It shall have authority at any time to investigate the books, accounts, and management of any department of the Town; and the books, accounts, and records of all departments and officers of the Town shall be open to its inspection.

All officers of the Town shall, upon its request, furnish it with facts, figures and other information pertaining to that department.

Section 5 (Reports) - The Finance Committee may furnish a report of any or all matters which have been considered by them pertaining to the Town with their recommendations and suggestions, so that the same can be published in the Annual Town Report.

NOTE: Amended, ATM 1975, Article 24. Although the 1975 Amendment purported to add a new Section 1 to Article "9" of the By-Laws, that Amendment actually served to add that Section 1 to this Article 2. The Article number referred to in the Town Meeting Vote had been improperly assigned to this Article 2 in the 1959 compilation. Amended, STM March 13, 1989, Article 15.

ARTICLE 3
SELECTMEN

Section 1 (Legal Agents) - The Selectmen shall have full authority, as agents of the Town to employ counsel to institute and prosecute suits in the name of the Town, to appear for and defend suits brought against it, to provide counsel to assist the Police Department as they may direct, unless otherwise specifically ordered by vote of the Town, or otherwise provided by the laws of the Commonwealth.

Section 2 (Compromise) - The Selectmen may settle any claim or suit against the Town, which in their opinion, acting upon the advice of counsel cannot be successfully defended.

ARTICLE 3A
LEGAL DEPARTMENT

Section 1 - The Legal Department of the Town shall be composed of a Town Counsel and an Assistant Town Counsel. The Town Counsel shall be a member of the Massachusetts Bar and a practicing attorney and shall have the responsibility of administering the department. The Assistant Town Counsel shall be a member of the Massachusetts Bar and a practicing attorney and shall assist the Town Counsel.

Section 2 - The Town Counsel and Assistant Town Counsel shall be appointed by the Board of Selectmen within thirty days of the annual Town election to serve for three year terms. The three year term of office shall take effect as of the next annual Town election. For transitional purposes upon acceptance of this article an Assistant Town Counsel may be appointed to serve until the next annual Town election. The Board of Selectmen shall forthwith fill any vacancy for the unexpired term caused by the removal, resignation or death of a member of the Legal Department.

Section 3 - The duties of the Legal Department shall include, but not be limited to the following: (a) To act as attorney and counsel for the Town and its various departments, officers, boards and committees; (b) To institute and prosecute legal actions in the name of the Town; (c) To defend legal actions brought against the Town; (d) To render written opinions to all Town boards, officers, and committees elected or appointed within thirty days of written request of any member of said board or committee; (e) Given reasonable notification it will be

represented at official meetings of Town boards and committees. The Legal Department must receive written request by a majority vote of the board or committee involved. The written request shall indicate the purpose for which legal counsel is required; (f) To prepare and review legal instruments, eminent domain proceedings and Town Warrants for Town Meetings; (g) To be considered the legal adviser to elected and appointed officers, boards and committees of the Town on such questions connected with their duties; its function shall not be construed as being that of the legal counsel to every citizen in the Town.

Section 4 - The Legal Department shall be provided with office space by the Board of Selectmen where the permanent records, books and files shall be kept. Clerical assistance will be provided. Office hours will be established.

Section 5 - In addition to the salary established under the Wage and Salary Administration Plan, the Assistant Town Counsel will be paid on a per diem basis for court work and practice before administrative boards, such amounts as are recommended by the Town Counsel and approved by unanimous vote of the Board of Selectmen.

NOTE: Adopted, ATM 1973, Article 82; Amended, ATM 1974, Article 31; Amended ATM 1975, Article 13.

ARTICLE 4 TREASURER

Whenever the Treasurer is to borrow in behalf of the Town a sum of money exceeding ten thousand dollars, unless otherwise directed by the Town, he shall advertise for bids thereon.

ARTICLE 5
TOWN SOLICITOR

The Selectmen shall, within thirty days after taking office, appoint some member of the bar, a resident of the Town of Milford, as Town Solicitor, and it shall be his duty to give legal advice to the various Town officials and Town boards on such questions connected with their duties as may by said officials and boards be referred to him.

NOTE: Article 3A, above, would appear to cover the entire subject of appointment and duties of the Town's legal staff. Accordingly, this Article 5 would appear to have been superseded by said Article 3A. See Sullivan vs. City of Worcester, 346 Mass. 570 (1963).

ARTICLE 6
INDUSTRIAL DEVELOPMENT COMMISSION

Section 1 (Composition, Term of Office) - There shall be an Industrial Development Commission, consisting of eleven (11) members, appointed by the Board of Selectmen for three year overlapping terms, so arranged that the terms of four members shall expire on the first Monday following the annual Town election during the following year.

Section 2 (Powers and Duties) - The Industrial Development Commission shall have all the powers which development and industrial commissions have under Section 8A of Chapter 40 of the General Laws, and it shall exercise such other functions as may, from time to time be assigned by the Board of Selectmen at the Town Meeting. It shall select its own officers and adopt rules and regulations for its government as may from time to time be necessary or appropriate.

Section 3 (Vacancies; Removal from Office) - Any vacancy in the office or member of the Industrial Development Commission, occurring by reason of death, resignation, removal, as herein provided, or otherwise, shall be filled in accordance with Section 11 of Chapter 41 of the General Laws. Any member of the Industrial Development Commission may be removed from office by the Board of Selectmen upon written charges and an opportunity for a hearing.

Section 4 (Compensation) - The members of the Industrial Development Commission shall serve without compensation.

NOTE: Adopted STM August 16, 1978, Article 3. Under Section 2 of the vote of adoption, the following transitional provisions were enacted: "At the first meeting of the Board of Selectmen held after the effective date of this By-Law, the Board of Selectmen shall appoint 11 members to the Industrial Development Commission established under Section 1 as follows: 4 for a one year term; 4 for a two year term; and 3 for a three year term. Such appointments shall take effect immediately; however, the initial terms of office shall be deemed effective as of the first meeting of the Board of Selectmen held after the 1979 annual Town election." This By-Law was adopted in 1978, by deleting the former Article 6, which dealt with the Town Physician, and inserting in place thereof, this new Article 6.

ARTICLE 6A

TOWN PROPERTY AND AFFAIRS

Section 1 (Annual Audit) - There shall be an annual audit of the Town's accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation in accordance with the provisions of Section 35, Chapter 44 of the General Laws (Ter. Ed.).

Section 2 (Disposal of Surplus Property) - Any committee, board or officer in charge of a department may, with the approval of the Selectmen, sell or trade any personal property of the Town within the possession and control of the department which has become obsolete or is not required for future use by the department.

Section 3 (Town Vehicles to be Marked) - Every Town-owned motor vehicle, except a vehicle specifically designed for snow removal or construction purposes, shall display prominently on each side the seal of the Town with the words TOWN OF MILFORD in large block letters above the seal and the name of the Department in large block letters below the seal. The requirements of this by-law may be varied or suspended with regard to any motor vehicle with the consent of the Selectmen if it is shown to be not practical to comply with the requirements of the by-law with respect to such vehicle.

Section 4 - Each department of the Town shall be required to submit a schedule to the Town Accountant, with each payroll, which schedule shall be in a form to be developed by the Town Accountant and which schedule shall indicate all paid absences for all employees of the Town together with the reasons therefore.

NOTE: Section 1, Adopted ATM 1941, Article 37; Section 2, Adopted STM November 22, 1960, Article 6; Section 3, Adopted ATM 1964, Article 18; Section 4, Adopted ATM June 12, 1989, Article 58.

ARTICLE 7 POLICE DEPARTMENT

Section 1 - The Board of Selectmen shall annually appoint at a fixed salary some competent person to act as chief-of-police.

Section 2 - The Selectmen shall make such rules and regulations not inconsistent with law or these by-laws, for the government and discipline of the Police Department as they may from time to time deem necessary.

Section 3 - It shall be the duty of the members of the police force to immediately make a careful investigation of every case of accident which results in an injury to person or property coming within their notice, in which the Town might be liable, secure the names of all witnesses thereto and make report thereof to the chief-of-police, who shall report forthwith to the Selectmen.

NOTE: On March 28, 1955 the Town voted to accept G.L. Ch. 41, sec. 97A under Article 82 of the warrant for the Annual Town Meeting. That Chapter, by providing a comprehensive scheme for the establishment of the Town's police department and by setting forth the powers and duties of the chief-of-police, effectively repeals this Article 7. On March 6, 1925, under Articles 13 and 14 of the warrant for the Annual Town Meeting, the Town voted to place its police officers and the chief-of-police under Civil Service. On March 6, 1931, the Town voted to accept the provisions of G.L. Ch. 147, sec. 13A relative to the establishment of a reserve public force. On March 25, 1957, under Article 88 of the warrant for the Annual Town Meeting, the Town voted to increase the number of members of the reserve police force from three to five members.

ARTICLE 8
PLANNING BOARD

Section 1 - There shall be a Planning Board with all the powers and duties provided for said Board by Section 70 of Chapter 41 of the General Laws and any acts in amendment thereof or in addition thereto.

Section 2 - Said Board shall consist of three (3) members, one to serve for the term of one year, one to serve for the term of two years, and one to serve for the term of three years from the first Monday in April, 1923 and thereafter one member shall be elected annually by ballot at the annual Town election to serve for the term of three years, and until his successor is elected and qualified.

Section 3 - The Board shall meet, choose its own officers, and adopt such rules and regulations affecting its government as may from time to time be necessary.

Section 4 - The members of said Board shall serve without compensation.

NOTE: On June 24, 1937, the ATM voted to establish a Planning Board under G.L. Ch. 41, sec. 81A, inserted by St. 1936, Ch. 211. The composition, term of office and duties of the Town's Planning Board are generally mandated by G.L. Ch. 41, sec. 81A ff. Thus, this Article 8 with the exception of Section 4, has been superdated.

ARTICLE 9
REQUIREMENTS IN TOWN CONTRACTS

Section 1 (Bond Requirements) - Every contract entered into by the Town exceeding four thousand dollars shall be accompanied by a suitable bond for the faithful performance of the same or by the deposit of money or security to the amount of such bond, provided, however, that if the Board of Selectmen find and vote that such bond is unnecessary, such bond need not be obtained.

Section 2 (Procedural Requirements) - All contracts will be awarded in accordance with the procedures set forth in Chapter 30B of the General Laws, or other applicable law.

Section 3 (Purchase Orders) - No bill or invoice to pay for the purchase of goods or services in the amount of \$100.00 or more shall be approved by the Town Accountant unless a purchase order shall have been issued therefore by the department head, board, commission or agency seeking to make such purchase. The form and information content of such purchase order form shall be approved by the Town Accountant.

NOTE: As amended STM June 25, 1937, Article 7; ATM 1941, Article 38; ATM 1955, Article 33; ATM 1974, Article 30; ATM 1975, Article 58; STM August 16, 1978, Article 4; STM April 30, 1980, Article 19. The 1974 amendment was purportedly a corrective change to request the addition of Section 5 to Article "15", the Article number improperly assigned to the first four sections of the above in the 1959 compilation. STM July 19, 1982, Article 7; STM May 9, 1983, Article 20; STM June 13, 1983, Article 8; STM May 14, 1986, Article 6; ATM Adj. Sess. May 18, 1986, Article 20; STM March 13, 1989, Article 10; ATM June 11, 1990, Article 18.

ARTICLE 10

JUNK DEALERS AND DEALERS IN SECOND-HAND ARTICLES

Section 1 (License) - The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second-hand articles subject to the provisions of Sections 54 to 56 inclusive, of Chapter 140 of the General Laws, and may revoke such license at pleasure.

Section 2 (Records, public) - Every such shop keeper shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when such purchase is made. Such book shall, at all times, be open to the inspection of the Selectmen, constables and police officers of the Town. Every keeper of such shop shall put in some suitable and conspicuous place in his shop, a sign having his name and occupation legibly inscribed thereon in large letters. Such shop and all articles of merchandise therein may be, at all times, examined by the Selectmen, constables and police officers of the Town; and no keeper of such shop shall directly or indirectly,

either purchase or receive, by the way of barter or exchange, any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such; and no article purchased or received shall be sold until a period of at least one month from the date of its purchase of receipt has elapsed.

Section 3 (Penalty) - Whoever, not being so licensed, keeps such shop or is such dealer in the Town, or being licensed keeps such shop or is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, shall forfeit Twenty Dollars for each offense; and whoever violates any rule, regulation or restriction contained in his license shall forfeit a sum not exceeding Twenty Dollars for each offense.

RULES AND REGULATIONS

Every person owning or having the care, or driving of a cart, wagon, dray, truck, hand-cart, sleigh, sled, hand-sled or other vehicle which shall be used in the Town for or in the collection of junk, old metals, rags, paper or second-hand articles shall be licensed by the Selectmen, and each of said vehicles shall have placed upon the outside and on each side of the same the name of the license and the number of the license in plain, legible letters and figures of no less than three inches in length and so that the same may be distinctly seen and read; and any person owning, having the care, or driving of any of the above-described vehicles, shall wear a badge on some conspicuous part of his clothing, with the number of his license thereon in plain, legible figures of not less than one inch in length.

Any person who shall collect junk, old metals, rags, paper, or second-hand articles without a wagon, cart, dray, truck, hand-cart, hand-sled, sleigh, sled, or other vehicle, shall be licensed by the Board of Selectmen and shall wear a badge on some conspicuous part of his clothing, with the number of his license thereon in plain, legible figures of not less than one inch in length.

For every license so granted, there shall be paid to the Town Treasurer of the sum of Five Dollars for the use of the Town.

ARTICLE 11

REGULATING FOR-PROFIT TRANSIENT VENDORS AND BUSINESS; HAWKERS AND PEDDLERS; DOOR-TO-DOOR BUSINESS AND SOLICITATIONS

SECTION 1. DEFINITIONS:

“Door-to-Door Solicitation”: Any person who moves from door-to-door or place-to-place within the Town of Milford soliciting for any organization, person, or entity not incorporated in accordance with the provisions of G.L. c. 180 (non-profit organizations), is conducting door-to-door solicitation.

“Garage Sale”: Garage sale is the sale of personal goods from residential real property which is the personal residence and premises of the person conducting the sale.

“Hawkers and Peddlers”: Any person who goes from place to place within the Town, whether on foot or in a vehicle, offering for sale goods, wares, services or merchandise; the selling of goods, wares, services or merchandise; or displaying goods, wares, services or merchandise for sale, for profit, is a hawker and/or peddler.

“Person”: Any person or corporation acting on behalf of an individual, organization or other entity not established and incorporated in accordance with G.L. c. 180.

“Transient Vendor or Business”: A transient vendor or business is a person or entity who by going door-to-door or place-to-place offers goods, wares, services or other tangible or non-tangible things of value for a profit.

“Temporary Business”: A temporary business is any exhibition, offering or sale of goods, wares, services, periodicals, or merchandise, or any other commercial purpose, which is carried on in any structure or cover, such as a building, tent, booth, lean-to, or other temporary means of enclosure, storage or shelter, or upon a set location and provided that such place is or will not be regularly and usually open for business for a period to exceed twelve (12) consecutive months.

SECTION 2. TRANSIENT VENDOR OR BUSINESS:

Every person who engages in a transient vendor or business selling goods, wares, periodicals, or merchandise or who goes door-to-door or place-to-place, either as principal or agent, offering or selling goods, wares, services or other tangible or non-tangible things of value for profit, shall, before commencing said business in the Town of Milford, make a written application, under oath, for a license to the Chief of Police stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, their business address, a brief description of the business he wishes to conduct within the Town of Milford and other pertinent data or information concerning the individual and the vehicle that they will be utilizing for business purposes. He shall also permit the Chief of Police or officers of the Milford Police Department to photograph him and to copy his fingerprints for the purpose of identification.

SECTION 3. TEMPORARY BUSINESS:

Every person who engages in a temporary business selling goods, wares, periodicals, merchandise or service or any other commercial purposes, either as principal or agent, shall, before commencing business in the Town of Milford, make a written application, under oath, for a license to the Chief of Police stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, their

business address, a brief description of the business he wishes to conduct within the Town of Milford and other pertinent data or information concerning the individual and the vehicle that they will be utilizing for business purposes. He shall also permit the Chief of Police or officers of the Milford Police Department to photograph him and to copy his fingerprints for the purpose of identification.

SECTION 4. COMPLIANCE WITH GENERAL LAWS, BY-LAWS, AND REGULATIONS:

In addition to the provisions of the Town of Milford By-Law concerned with Regulating For-Profit Transient Vendors and Business; Hawkers and Peddlers; Door-To-Door Business and Solicitations, said persons shall also comply with the by-laws and regulations of the Town of Milford and General Laws of the Commonwealth of Massachusetts.

SECTION 5. LICENSING:

The Chief of Police shall make a determination as to whether a license will be issued within twenty (20) days, and shall issue a license to approved applicants within ten (10) days, excepting Saturday, Sunday, and Legal Holidays. The license will be in the form of a badge or identification card, and will contain the name and photograph of the licensee. The license is non-transferable and is valid only for the person identified therein and for the purpose as shown on the license. The issuance of this license shall not act as waiver of any and all responsibilities that the licensee may have in accordance with the By-Laws and Regulations of the Town of Milford or the Massachusetts General Laws, nor shall the license serve as an endorsement by the Town of Milford of the individual or their business activities, products or services.

The Chief of Police will determine if the person is a suitable person to be so licensed. The Chief of Police may deny the issuance of a license if said applicant has been convicted of a felony, or has been convicted of any one or more of the following listed misdemeanor offenses, or is a fugitive from justice.

- a. assault and battery
- b. breaking and entering; entering; or breaking
- b. unlawful removal of a motor vehicle
- c. defrauding an insurer
- d. larceny
- e. shoplifting
- f. fraudulent checks
- g. unlawful or fraudulent use of credit cards
- h. unlawful taking of money or other goods
- i. stealing or poisoning a dog
- j. buying, receiving or concealing stolen goods
- k. deceptive advertising
- l. making or publishing false statements
- m. destruction or injury of a building
- n. trespass on property
- o. consumer protection
- p. firearms or weapons violations
- q. violations of the controlled substance laws

The license will be valid for a period of ninety (90) days from the date of issuance. If the expiration date is a Saturday or Sunday, the expiration date will be the Monday post. If the expiration date is a legal holiday, the expiration date will be the next calendar day that is not a holiday. Licenses shall be void upon surrender or revocation, or upon the filing of a report of loss or theft with the Police Department.

Said license shall be displayed and provided to a police officer upon request or command.

Said license shall be affixed conspicuously upon the outer garment of the licensee whenever he is engaged in said business so that it may be viewed by all persons.

Said license shall be the property of the Town of Milford and shall be surrendered to the Chief of Police or officers of the Milford Police Department upon demand. In addition to any penalties as established in Section 8 of this By-Law, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-Law or if the Chief of Police determines that the licensee is an unsuitable person to be licensed.

Prior to exhibiting, offering or selling goods, wares, services, periodicals, or merchandise, or for any other commercial purpose, every licensee shall file a statement with the Board of Selectmen, under oath and the pains and penalties of perjury, indicating the average quantity and value of the goods, wares, services, periodicals, or merchandise and shall make payment to the Town of Milford in the nature of a fee equal to the taxes assessable under the last preceding tax levy. A copy of the receipt of said payment shall be presented to the Chief of Police prior to the release and issuance of said license.

SECTION 6. LICENSE FEE:

The fee for said license shall be twenty-five dollars (\$25.00).

SECTION 7. EXEMPTIONS:

The provisions of this by-law shall not apply to any person or entity that has been licensed by the Town of Milford or the Commonwealth of Massachusetts; or any person conducting a "garage sale"; nor shall it apply to any person who goes door-to-door to sell goods, wares, periodicals, merchandise or services on behalf of any group or organization established in accordance with the purposes as defined in Massachusetts General Laws, Chapter 180, Section 2, nor to any person engaged in a temporary business to sell goods, wares, periodicals, merchandise or services on behalf of any group or organization established in accordance with the purposes as defined in Massachusetts General Laws, Chapter 180, Section 2.

SECTION 8. VIOLATIONS; ARREST; PENALTIES:

- a. Whoever fails to be licensed as required by the provisions of this by-law; to conspicuously display the license, affixed to the outer garment; or comply with the provisions of this by-law shall be in violation.
- b. Violations shall be punished by a fine of twenty-five dollars for the first offense and fifty-dollars for each subsequent offense. In addition to said fine, in accordance with Section 5., above, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-Law or if the Chief of Police determines that the licensee is an unsuitable person to be licensed.
- c. Whoever violates the provisions of this By-Law may be arrested by a police officer authorized to serve criminal process in the Town of Milford, and kept in custody in a convenient place, not more than twenty-four hours; Saturday, Sunday, and Legal Holidays excepted, until he can be taken before a court so that a complaint can be made against him for the offense and he then be taken upon a warrant issued upon such a complaint.

NOTE: As amended ATM 1963, Article 55; ATM May 14, 1986, Article 23; STM April 22, 1991, Article 1; completely

revamped, May 19, 2003 ATM, Art. 34, approved by
Attorney General September 4, 2003.

SECTION 9 (PAWNBROKERS) – In accordance with the provisions of Chapter 140 of the General Laws, the Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in Milford. The fee for such license, and annual renewal thereof, shall be One Hundred (\$100.00) Dollars.

ARTICLE 11A
COUNCIL ON AGING

Section 1 (Composition, Term of Office) - There shall be a Council on Aging, consisting of nine (9) members, appointed by the Board of Selectmen for three (3) year overlapping terms, such that the terms for three (3) members shall expire each year on the first Monday following the annual Town election.

Any member of the Council may be removed by the Board of Selectmen upon written notice and an opportunity to be heard. Missing three or more meetings of the Council during any calendar year may be the basis for such removal. If a member is removed the Board shall then proceed to immediately fill said vacancy

Section 2 (Powers and Duties) - The Council on Aging shall have all the powers and duties which councils on aging have under Section 8B of Chapter 40 of the General Laws. It shall select its own officers and adopt rules and regulations for its government as may from time to time be necessary or appropriate.

Section 3 (Vacancies) - Vacancies other than by expiration of term shall be filled by appointment by the Board of Selectmen for the balance of the unexpired term.

Section 4 (Compensation) - The members of the Council on Aging shall serve without compensation.

NOTE: Adopted ATM 1977, Article 42. Under Section 2 of the vote of adoption, the following transitional provisions were enacted “At the first meeting of the Board of Selectmen held after the elective date of this By-Law, the Board of Selectmen shall appoint fifteen (15) members to the Council on Aging established by Section 1 as follows: Five (5) for a one year term; five (5) for a two (2) year term; and five (5) for a three year term. Such appointment shall be deemed to be effective as of the first meeting of the Board of Selectmen held after the 1978 annual Town election.” This By-Law was approved by the Attorney General on June 13, 1977, and it took effect on June 21, 1977, and it took effect on June 21, 1977 upon being posted

in accordance with G.L. Ch.40, Sec. 32. Amended by Article 29 of the June 14, 2004 Annual Town Meeting, Approved by the Attorney General. Amended by Article 36 of the May 21, 2007 ATM, Approved by the Attorney General June 18, 2007.

ARTICLE 12 STREETS AND SIDEWALKS

Section 1 (Permit Required) - No person, except the Selectmen or the Highway Surveyor in the lawful performance of their duties or those acting under their orders, except such other persons as are or may be authorized by statute, shall break or dig up the ground in any street, sidewalk or public way in the Town without obtaining a written permit from the Highway Surveyor which shall state the regulations under which the work shall be done.

The Highway Surveyor may adopt, and from time to time amend, regulations governing such work which may include, but not be limited to:

- (a) a permit fee which may be based upon the length of any proposed excavation with a minimum fee of \$10.00 and a maximum fee of \$200.00;
- (b) requirement of a bond or other suitable performance guarantee;
- (c) minimum levels of liability insurance to protect the Town against liability;
- (d) curb to curb, or curb to crown permanent repair when deemed necessary;
- (e) permanent repairs to be performed by the Highway Department or a contractor selected by the Highway Surveyor at the expense of the applicant for the permit;
- (f) performance standards for temporary and permanent repairs;
- (g) requirements for traffic control and protection.

The work done under said permit must be in accordance with said regulations and the terms of the permit and failure to comply with said regulations or permit shall be grounds for the Highway Surveyor to revoke outstanding permits and to deny the issuance of further permits.

Section 2 (Notice) - Whenever the Selectmen or Highway Surveyor are about to construct or prepare any street or way, the surface of which is paved with block or macadam or rolled, they may before beginning the work give reasonable notice of such intention to the department of the Town, to corporations liable to be affected thereby, and to all abutting owners having connections by drains or otherwise with structures in the street.

If such parties have any work to be done in such public street or ways, they shall consult and arrange with said Selectmen or Highway Surveyor in order that such work may be done before the surface of such street or way is again prepared for and opened to public travel. After such notice and opportunity has been given, no such parties shall for the space of two years break up or disturb the surface of said street or way within the area so constructed or repaired except in case of reasonable necessity and then only on written permission of the Selectmen.

Section 3 (Obstructing of Way) - Any person who intends to erect, repair or take down any building on land abutting on any way which the Town is required to keep repaired, and desires to make use of any portion of said way for the purpose of placing therein building materials or rubbish, shall give notice thereof to the Selectmen. Thereupon the Selectmen may grant a permit to occupy such portion of said way to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows; such permit in no case to be for a period of longer than ninety (90) days and to be on such conditions that during the whole of every night from sunset to sunrise sufficient lighted lanterns shall be so placed as to effectually secure all travelers from liability of coming in contact with such building materials or rubbish.

The Selectmen may before granting such permit, require such persons to furnish a satisfactory bond to save the Town harmless for any damages which may arise from such use of the street and to insure the faithful compliance with the conditions of said permit.

Section 4 (Penalty) - Whoever shall use any portion of any way which the Town is required to keep in repair for the purposes mentioned in the preceding section without the written permission of the Selectmen, as above provided, or having obtained such permission shall fail to comply with the conditions thereof, shall be punished by a fine not exceeding Twenty Dollars.

Section 5 (Street Numbers) - Every building used as a dwelling or place of business shall maintain in a conspicuous place the street number assigned to it by the Building Inspector, who shall assign such number upon application for a building permit, or upon request of the owner, occupant, or other public official in the case of existing buildings. Such number, with numerals at least three inches high, shall be affixed by the owner within thirty days of occupancy for new structures, or within six months of his notification of assignment in the case of existing buildings. Any pre-existing conflicting numbers shall be removed within the same time limits.

Section 6 - Whoever violates any of the provisions of Sections 1, 3 or 5 shall be punished by a fine not exceeding Three Hundred Dollars.

Section 6(a) (Protection from Falling Snow and Ice) - Every person (including a corporation, partnership, or any other entity) shall erect or cause to be erected upon any building, which he owns or which he has charge and which is near the line of a sidewalk or street, a secure barrier or other suitable provisions, sufficient to prevent the falling of snow or ice from the roof of such building upon persons travelling on such sidewalk or street. Whoever violates any provision of this by-law may be punished by a fine not exceeding \$20.00 for each offense. Each day that any violation continues shall constitute a separate offense.

NOTE: As amended STM December 15, 1969, Article 6; ATM 1970, Article 78. Although the 1969 and 1970 amendments purported to add Section 5 & 6 & 6A to Article "20" of the by-laws, these Amendments actually served to add Sections 5 & 6 & 6A to Article 12. The Article number referred to in the Town Meeting vote improperly assigned to this Article 12 in the 1959 compilation. May 14, 1986 STM, Articles 15 and 16.

ARTICLE 13

USE OF STREETS AND SIDEWALKS

Section 1 (Speeding) - Whoever, excepting drivers of ambulances or patrol wagons, or members of the Fire Department responding to an alarm of fire, shall drive or ride a horse or other animal at a rate of speed exceeding ten miles per hour through any public way, street or avenue in the Town shall be punished by a fine not exceeding Twenty Dollars.

Section 2 (Obedience to Police) - Whoever, having charge of a vehicle in any street shall neglect or refuse to stop the same or to place the same when stopped, as directed by a police officer, shall be punished by a fine not exceeding Ten Dollars.

Section 3 (Permission of Police Chief) - Whoever shall erect, set up, or maintain any fence, portico, platform or door-step, extending into any highway or street, and whoever shall hoist any material from any street into a building adjoining the same, so that said materials by being hoisted shall overhang any part of said street after notice from the Chief of Police that the apparatus used for that purpose or the manner of doing the same is in his opinion unsafe until said parties shall have apparatus suitable therefor and until it shall be done in a manner satisfactory to the Chief of Police, shall be punished by a fine not exceeding Twenty Dollars.

Section 4 (Overhanging Items) - Whoever shall establish or maintain any shade or awning over any part of a street or highway, unless the same be securely and safely supported and unless the lowest part thereof be not less than seven feet above such street or sidewalk, shall be punished by a fine not exceeding Ten Dollars.

Section 5 (Signs) - Whoever shall establish or maintain over any street or highway any sign, sign-board or advertising device without a permit from Selectmen, shall be punished by a fine not exceeding Five Dollars. Such permit shall be granted if such sign, sign-board or device is safely and securely made, fastened, supported and maintained, does not interfere with the public use of such street or way, is not affixed to any tree, tree-guard or other object within the limits of the street or way, and is not of a dangerous character.

Section 6 (Sidewalk Obstructions) - Whoever shall use any sidewalk or street for the display of merchandise or other articles of personal property without first obtaining written permission to do so from the Selectmen, shall be punished by a fine not exceeding Ten Dollars.

Section 7 (Sidewalk, Use of) - Whoever shall drive, wheel or draw any vehicle, coach, cart, wheelbarrow, hand-cart, or carriage of burden or pleasure (except children's carriages drawn by hand) upon any sidewalk in the Town shall be punished by a fine not exceeding Ten Dollars.

Section 8 (Sidewalks, Animals on) - Whoever shall permit any horse, cattle, swine or sheep under his care to go upon any sidewalk in the Town shall be punished by a fine not exceeding Ten Dollars.

Section 9 (Coasting) - Whoever shall coast upon any sidewalk in the Town or upon any street in the Town except at such times and in such places as may from time to time be designated by the Selectmen, shall be punished by a fine not exceeding Five Dollars.

Section 10 (Distribution of Handbills) - Whoever shall distribute or display posters, handbills, placards, pamphlets or other advertising matter in any public street or way without first obtaining a permit therefor from the Selectmen, shall be punished by a fine not exceeding Twenty Dollars.

Section 11 (Discharge into Drain) - Whoever shall discharge into any drain or sewer inlet, manhole or catch basin any matter or thing which may tend to cause obstruction therein or any injury thereto, shall be punished by a fine not exceeding Twenty Dollars.

Section 12 (Discharge into Sanitary Sewer) - Whoever shall drain any roof water, surface water or other unpolluted water into the sanitary sewer, shall be punished by a fine not exceeding Twenty Dollars.

Section 13 (Firearms) - Whoever shall fire or discharge any cannon, gun or firearm in or across any street, public park, or square or within fifty feet of any dwelling house within the Town, except in the performance of legal duty, or fire or discharge any air-gun, bow-gun or other instrument discharging a projectile in or across any such street, park, square or within said distance of a dwelling house, shall be punished by a fine not exceeding Twenty Dollars.

Section 14 (Sidewalk Obstruction) - Whoever shall place or cause to be placed any wood, lumber, coal, box, crate, barrel or other obstruction upon any public way or sidewalks and allow it to remain more than one hour after being notified by a police officer to remove it, shall be punished by a fine not exceeding Ten Dollars.

Section 15 (Sweeping Onto) - Whoever shall sweep dirt or rubbish on to any sidewalk or street in the Town, shall be punished by a fine not exceeding Ten Dollars.

Section 16 (Snow Removal) - Whoever shall suffer any snow or ice to remain on a concrete or curved sidewalk abutting on premises owned or occupied by him as a tenant, within the Town, for a period longer than twenty-four hours after the snow or rain have ceased to fall, shall be punished by a fine not exceeding Ten Dollars.

Section 17 (Hazardous Use) - Whoever shall in any of the public ways of the Town throw stones, snowballs, sticks, or other missiles, or kick a football or play at any game in which a ball is used, or fly a kite or balloons, or engage in any other game or exercise interfering with the free, safe and convenient use of said street or highway by any persons travelling or passing along the same, shall be punished by a fine not exceeding Five Dollars.

Section 18 (Gates) - Whoever shall allow any gate or door belonging to the premises under his legal control and adjoining any public way to swing on, over or into such public way, shall be punished by a fine not exceeding Five Dollars.

Section 19 (Permit Required) - Whoever shall give any public address, speech or harange in any street or public way within the Town without a written permit signed by the Selectmen, or within any public park within

the Town without a written permit signed by the Park Commissioners, shall be punished by a fine not exceeding Twenty Dollars.

Section 20 (Permit Required) - No street band shall play, nor any musical instruments be played upon by any one in the public streets, sidewalks, or ways of the Town without the written permission of the Chief of Police. Violations of this section shall be punished by a fine not exceeding Twenty Dollars.

Section 21 (Playing of Musical Instruments) - Whoever shall in any of the public streets or squares in the Town interfere with the free and uninterrupted travel in such streets or squares, either by playing on musical instruments of any description or by loud talking or singing, and whoever shall refuse to move on or disperse after having been requested to do so by any constable or police officer of the Town, shall be punished by a fine not exceeding Twenty Dollars.

Section 22 (Intoxicating Beverages, No Drinking on Public Ways) - Whoever shall drink any alcoholic beverage within the limits of any public way located within the Town of Milford, whether that way be a town way, county highway or state highway, he shall be punished by a fine not to exceed \$100.00.

This Section 22 shall be construed so as to prohibit the following:

(a) The drinking of any alcoholic beverage by any person while such person is standing, sitting, walking, running or otherwise present within such public way.

(b) The drinking of any alcoholic beverage by any person while such person is within any vehicle, whether parked or moving, which is located within such public way. Whoever violates the provisions of this Section 22 may be arrested without a warrant by an officer authorized to serve criminal process in the Town of Milford, and kept in custody until he can be taken before a court having jurisdiction of the offense.

Section 23 (No Political Signs to be Posted) - At any and all elections conducted by and in the Town of Milford no posters, stickers, handbills, placards or pictures intended to influence the action of the voter shall be posted, displayed or exhibited on any Town-owned property, nor public utility poles or walls on Town-owned property.

Section 24 (Covers Required when Trash or Refuse Carried) - No person shall operate an open motor vehicle on a public way in the Town of Milford for the purpose of transporting,

carrying or conveying trash or refuse without an adequate covering over said trash or refuse to prevent the same from falling from said open motor vehicle onto a public way.

NOTE: As amended STM June 22, 1965, Article 8 and 9; ATM 1974, Article 22; STM October 4, 1978, Article 9. Although the 1974 Amendment purported to add Section 22 to Article "21" of the By-Laws, that Amendment actually served to add that Section 22 to this Article 13. The Article number referred to in the Town of Milford vote had been improperly assigned to this Article 13 in the 1959 compilation.

ARTICLE 14

CURFEW

Section 1 - No person under the age of sixteen years shall be, or remain in or upon any of the streets or public places of the Town in the night time after nine o'clock P.M. unless such person is accompanied by parent, guardian or other person having legal custody of such minor person, or in the performance of an errand or duty directed by such parent, guardian, or other person having such legal custody of such minor person.

Section 2 - No parent, guardian or other person having legal care and custody of any person under sixteen years of age shall allow or permit any such child, ward, or other person such age while in such legal custody, to go, be in, or upon any of the streets or public places in said Town in the night time after nine o'clock P.M. unless there exists a reasonable necessity therefor.

Section 3 - Whoever violates the provisions of either of the foregoing sections shall be punished by a fine not exceeding Ten Dollars.

ARTICLE 15
MISCELLANEOUS PROVISIONS

Section 1 - Whoever shall be or remain upon any sidewalk or upon any door-step, portico, or other projection of any house, or other building, not his own, to the annoyance or disturbance of any person or whoever shall in a street stand or loiter for more than five minutes after being directed by a police officer to move on, shall be punished by a fine not exceeding Twenty Dollars.

Section 2 - Whoever shall by any noise, gesture or other means, wantonly or designedly frighten any horse in any street or other place in the Town, shall be punished by a fine not exceeding Twenty Dollars.

Section 3 - No person shall stand in any street or on any sidewalk in such a manner as to obstruct a free passage of travelers thereon. Whoever violates this provision shall be punished by a fine not exceeding Twenty Dollars.

Section 4 - Whoever shall destroy, extinguish or interfere with any street light, or destroy, extinguish or interfere with any light placed to denote an obstruction or defect in any street or way, without proper authority, shall be punished by a fine not exceeding Twenty Dollars.

Section 5 - Whoever shall intermeddle with any hydrant, gate, gate box or water pipe placed in or located within the limits of any public way, without permission from the proper official in charge thereof, shall be punished by a fine not exceeding Twenty Dollars.

Section 6 - Whoever shall empty into any public street or highway of the Town any part of the contents of a sink, cesspool or privy, shall be punished by a fine not exceeding Ten Dollars.

Section 7 - Whoever shall, between the first day of May and the first day of November, carry into or through any public street or highway, any part of the contents of a sink, cesspool or privy, in a cart, wagon or other vehicle, except between the hours of ten o'clock in the evening and sunrise, shall be punished by a fine not exceeding Ten Dollars.

Section 8 - Whoever shall at any time carry into or through any public street or highway any part of the contents of a sink, cesspool or privy in a cart, wagon or other vehicle which is not effectually covered and water tight, shall be punished by a fine not exceeding Ten Dollars.

Section 9 - If any cart, wagon or other vehicle, having therein the contents of any sink, cesspool or privy, shall be permitted to stand, except while loading, in any street or highway, the owner or owners, driver or drivers of such cart, wagon or other vehicle, shall be punished by a fine not exceeding Ten Dollars.

Section 10 (Alcoholic Beverages - Drinking on Public Property) - Whoever shall drink alcoholic beverages in any public building, or on any public property, including parks, school houses and school grounds, public squares, cemeteries, and other buildings owned or under the control of the Town of Milford, shall be punished by a fine not to exceed One Hundred Dollars. Whoever violates the provisions of this Section 10 may be arrested without a warrant by an officer authorized to serve criminal process in the Town of Milford, and kept in custody until he can be taken before a court having jurisdiction of the offense. The provisions of this Section 10 shall not be applicable to any person engaged in any activity duly licensed by the Board of Selectmen.

Section 11 - No person shall park any motor vehicle, including motorcycle, on any public park property within the Town of Milford except in areas designated for public parking. The owner and/or operator of any vehicle found in violation of this provision shall be punished by a fine not to exceed Ten Dollars.

Section 12 - Whoever shall operate, or permit to be operated, any motorcycle, “dirt bike” so-called, or any other similar motorized two or three-wheeled vehicle upon any public property or railroad right-of-way, whether active or unused, or property owned or under the control of any utility company, except paved public ways and other paved surfaces of public properties intended for vehicular access or travel, shall be punished by a fine not exceeding Two Hundred Dollars.

Section 13 Trash Picking – No person, unless employed by the Town of Milford or other authorized public agency or by a contractor working for the Town of Milford or such agency, shall open, rummage through or disturb any garbage, rubbish, or other trash or other items placed on or near a public way or private way for removal or recycling by an authorized hauler or disposal firm, without the consent of the owner of the property upon which such rubbish, garbage or trash or other items placed, and/or the owner of the property abutting any place where such items are placed while awaiting removal. Whoever violates this provision shall be punished by a fine not exceeding \$200.

NOTE: As amended ATM 1970, Article 15; 1974, Article 23; STM October 4, 1978, Article 8. Although the 1970 and 1974 Amendments purported to add Sections 3 and 10 above to Article “22” of the By-Laws, those Amendments actually served to add Sections 3 and 10 to this Article 15. The Article number referred to in the Town Meeting vote had been improperly assigned to this Article 15 in the 1959 compilation. May 23, 1984 Adj. ATM, Article 27; Article 22 of the October 27, 1986 STM added Section 12 which was mis-designated therein as Section 11. Section 12 Amended STM March 5, 1990, Article 24. Section 13 adopted STM October 24, 2005, Article 37; approved Attorney General February 9, 2006.

ARTICLE 15A

DOG CONTROL LAW

Section 1 (Disturbing the peace by barking, etc.) - No person shall own or keep in the Town of Milford any dog which, by barking, biting, howling or in any other manner disturbs the quiet of any person for a prolonged period and in accordance with the registration of a complaint as outlined in Section 2.

Section 2 (Complaint of nuisance, investigation) - If any person shall make a complaint in writing to the Board of Selectmen of the Town of Milford that any dog owned or harbored within the limits of the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen

shall investigate such complaint, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary.

Section 3 (Restraint of dogs) - No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the Town of Milford or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the Town of Milford unless it is effectively restrained by a chain or leash not exceeding 10 feet in length. In no event shall any dog, leashed or unleashed, be permitted upon any school yards, cemeteries, playing fields or public parks.

Any owner or keeper of a dog who shall fail to comply with the provisions of this Section 3 shall be punished as follows:

First Offense.....	\$15.00
Second Offense.....	25.00
Presence on public property.....	50.00
Any offense, unaltered males, unspayed females.....	50.00

Section 3A (License and Tags) - Any owner or keeper of a dog three months of age or older shall by April 1, cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with M.G.L. Ch. 140, as amended. The license shall be valid until the following March 31. The fee for such license shall be in accordance with the following schedule:

Unspayed females and unaltered males.....	\$25.00
Spayed females and altered males.....	6.00
Late fee for failure to license by July 1.....	10.00

Section 3B (Removal and Disposal of Canine Waste).

- (a) No person owning or harboring or having custody or control of a dog shall suffer, permit or allow such dog to commit any nuisance or allow such dog to defecate on any public property including but not limited to parks, ball fields or within any public right-of-way, including streets, sidewalks or curbs, without immediately removing such fecal matter and transporting it to a suitable disposal facility or to their own property for burial or disposal via a sanitary sewer system.
- (b) This section shall not apply to a Service Dog accompanying any handicapped person nor shall it apply to any dog when the dog is actually engaged in the sport of hunting in authorized areas and supervised by a competent person.
- (c) Whoever violates the provisions of this section shall be fined \$25.00.

Section 4 (Duties of Dog Officer) - It shall be the duty of the Dog Officer to apprehend any dog found running at large in any street or public place within the Town of Milford or in violation of any of the provisions of this By-Law, and to impound such dog in a suitable place. The Dog Officer, upon receiving any such dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may claim such dog upon the reimbursement to the Dog Officer of the expenses incurred for maintaining such dog according to the following fee schedule:

- a. \$10.00 for each twenty-four hour period, or any part thereof that the dog is held.
- b. \$10.00 for initial handling and pick-up of the dog.

Prior to its release, the owner of said dog shall obtain a license from the Town Clerk, as provided in Section 3A.

Section 5 (Muzzling or confinement of dogs) - The Dog Officer may order a dog to be muzzled or confined to its owner's premises, whichever in his judgment may be required, for any of the following reasons:

- (a) If found at large or un-muzzled, as the case may be,, while an order of the Board of Selectmen for the confinement or muzzling of such dog is in effect.
- (b) If found in a school, school yard or public recreation area.
- (c) For having bitten any person.
- (d) For having killed or maimed or otherwise damaged any other domesticated animal.
- (e) For chasing any vehicle upon any public way or way open to public travel in the Town.
- (f) For any violation of Sections 1 or 3.

A person aggrieved by any order of the Board of Selectmen or the Dog Officer may seek judicial review in the manner provided in the General Laws, Chapter 140, Section 157.

Section 6 (Penalty) - Except for violation of Section 3 which are punishable in accordance with the schedule of fines set forth therein, any owner or keeper of a dog who shall fail to comply with the provisions of this

Article or any order of the Dog Officer issued pursuant to this Article, shall be punished by a fine not to exceed Twenty-Five Dollars for each offense.

Section 7 (Disposition of Funds) - Any funds collected pursuant to the provisions of this By-Law by the Dog Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

NOTE: Adopted ATM 1976, Article 72; Amended STM November 12, 1980, Article 23; Amended ATM May 13, 1985, Article 37; ATM May 14, 1986, Article 34; Amended ATM June 8, 1992, Articles 33, 35 and 36. An Amendment under Article 40 of the June 15, 1987 ATM, which purports to “ban” certain breeds of dogs was not included in this compilation as it was effectively declared illegal by a decision of the Supreme Judicial Court ruling on a similar by-law in Lynn. See American Dog Owners Association vs. City of Lynn, 533 N.E. 2d 642, 404 Mass. 73; Amended Article 24, May 21, 2007 ATM, approved by the Attorney General June 18, 2007.

ARTICLE 16

TIME OF TAKING EFFECT

These By-Laws shall take effect on their approval and publication as required by law, and all by-laws heretofore adopted by the Town are hereby repealed on the date on which these By-Laws become legal and binding.

NOTE: This Article contained the final provisions of the General By-Laws of the Town which were adopted on March 7, 1924. This Article served to repeal all previously adopted By-Laws. Since that time, additional By-Laws have been adopted by the Town. Some of these are printed above. Others follows. By-Laws take effect after approval by the Attorney General and publication or posting, as required by G.L. Ch. 40, sec. 32.

ARTICLE 17

CEDAR SWAMP POND DEVELOPMENT COMMISSION

There shall be established a Board to be known as Cedar Swamp Pond Development Commission. Said Board shall be composed of five (5) citizens of the Town to be appointed by the Board of Selectmen having a term of five (5) years. In making the first appointment, one member shall be appointed for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years and one for five (5) years, and thereafter the term of each succeeding member shall be for five (5) years.

Said Board may make regulations for the management of Cedar Swamp Pond, beaches, and land adjacent thereto owned by the Town, and shall have all the powers conferred by General Laws. (Ter. Ed.), Chapter 40, Section 12, (accepted by the Town, ATM 1939), and shall serve without compensation.

Milford Athletic Field Commission, however, shall have the management and control of and may make regulations for the use of the part of the land in the Cedar Swamp Pond area bounded southerly by Main Street, easterly by Charles River, northerly by the bridge over the dam again, easterly by the beaches on the westerly side of the pond and westerly by the New York, New Haven & Hartford Railroad Company.

NOTE: Adopted STM November 15, 1939, Article 8; Amended ATM 1974, Article 16. The Milford Athletic Field Commission was abolished by Town Meeting on 4-27-81, effective July 1, 1981. The custody and control of any real or personal property under the control of this committee was transferred to the Board of Park Commissioners. The Town transferred the care, custody and jurisdiction over Cedar Swamp Pond from the Cedar Swamp Pond Development Commission created by vote of the 1937 Annual Town Meeting (Article 17), to the Conservation Commission, pursuant to G.L. Ch. 40, sec. 15, at ATM April 23, 1979.

ARTICLE 18

CAPITAL IMPROVEMENT COMMITTEE

Section One: Establishment of Committee

- (a) There shall be established a Capital Improvement Committee (hereinafter "Committee") which shall perform the duties set forth in the following sections of this By-Law and shall be governed by the provisions hereof.
- (b) The Committee shall consist of five (5) registered voters of the Town of Milford (hereinafter "Town"), none of whom is a Town employee or Town official (either elected or appointed), and shall be appointed as provided in Section Two. For purposes of this By-Law, no person shall be considered a Town official solely by serving as a Town Meeting

Member.

Section Two: Selection of Members and Term of Service

- (a) Of the five (5) members of the Committee, two (2) shall be appointed by the Town Moderator and three (3) by the Board of Selectmen. Subject to the provisions below, members shall be appointed for terms of (5) years.
- (b) Upon approval of the provisions of this By-Law, the two (2) most senior incumbent members of the Capital Planning Committee as previously in place, not otherwise in conflict with Section One (b) above, shall continue to serve. Such incumbents shall serve as appointees of the Moderator, one to have a term expiring on June 30, 1997 and the other on June 30, 1999, as the Moderator shall designate. If there are no such incumbents, the Moderator shall otherwise appoint such eligible individuals to terms expiring as aforesaid.
- (c) The Board of Selectmen shall appoint three (3) members whose terms shall expire on June 30, 1996, 1998 and 2000, and shall thereafter upon expiration of each term appoint or reappoint for five (5) year terms.

Section Three: Vacancies; Officers; Compensation

- (a) Whenever a vacancy occurs on the Committee, it shall be filled by the appointing authority that appointed the member whose position has become vacant. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.
- (b) The Committee shall annually elect from among its members a Chairperson, and such other officers as it shall deem appropriate, and shall adopt such rules and regulations affecting its governance as may be deemed necessary.
- (c) Committee members shall serve without compensation.

Section Four: Capital Improvement Defined

For the purpose of this By-Law, a "Capital Improvement" is defined as:

- (a) any acquisition, disposition, lease or transfer of land; or
- (b) any acquisition, disposition, lease or transfer of motor vehicles; or
- (c) any acquisition or lease of any single item of equipment, or group of similar or related items of equipment to be used for a common purpose, with a total cost of twenty thousand dollars (\$20,000) or more, and a substantial useful life as determined by the Committee; or
- (d) any construction, reconstruction, replacement, extension or other

improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks or substantially similar public works, or for a facility, structure or a utility appurtenant to any of the same, with a total cost of twenty-six thousand (\$26,000) dollars or more.

Section Five: Duties of Committee; Town Meetings

- (a) For the purpose of this By-Law, a “Capital Expenditure” is defined as any expenditure, financed in whole or in part by Town funds, for a Capital Improvement.
- (b) The Committee shall ascertain annually what Capital Expenditures will be required by the Town during the subsequent five (5) fiscal years. In addition, the Committee shall outline ten (10), fifteen (15) and twenty (20) year prospective plans. In making its determinations, the Committee shall consult with such officers of the Commonwealth of Massachusetts and of the Town and its various Boards and Committees, as in its discretion it shall deem appropriate and beneficial. Department heads and chairpersons of all boards, commissions and committees of the Town, whether elected or appointed, shall submit to the Committee, not later than January 1st of each year, recommendations and statements of needs and/or proposed plans involving capital expenditure requirements for the subsequent five (5) fiscal years, and a Capital Improvement Worksheet for each capital project to be presented to Town Meeting within that current calendar year.
- (c) The Committee shall publish an annual report in conjunction with the Finance Committee of the Town and shall include in such report its recommendations for the scheduling of capital expenditures and for the financing of such expenditures as in its judgment cannot or should not be paid for entirely from current revenues. The Committee shall assist the Town Meeting with regard to priorities of projects, financing costs, impact of recommended projects to the operating budget, and other related matters.
- (d) No capital improvement shall be voted upon at any Town Meeting until it has been presented in written form to the Capital Improvement Committee for recommendation. If, subsequent to said recommendation, a significant change is made to the scope of any capital improvement, as determined by the Committee, it shall be resubmitted to the Committee for reconsideration prior to Town Meeting action. Any capital request that has not been approved by Town Meeting within two (2) years of its original presentation to the Committee shall be presented to the Committee for reconsideration prior to re-submittal to any future Town Meeting.
- (e) The Committee shall prepare and maintain a Community Resources profile to be a basis of reference in the Capital Improvements program planning and recommendations. This profile should include, but not

be limited to, the following:

- (1) ten (10) year record and ten (10) year projection of the Town's growth in population;
- (2) ten (10) year record and ten (10) year projection of the number of public, residential, commercial, industrial and other buildings, structures and facilities;
- (3) estimated value, floor space and/or land areas of public, residential commercial, industrial and other buildings, structures and facilities;
- (4) School student population, and the total, per student and per taxpayer costs for the current fiscal year;
- (5) five (5) year projection of school student population;
- (6) total acreage of each zoning district, with a classification, by percentage, of developed, developable and undevelopable acreage in each zoning district;
- (7) current employment and unemployment levels;
- (8) ten (10) year record of town expenditures, in total and by department, board, committee or other functional group or unit;
- (9) ten (10) year record of tax rates;
- (10) ten (10) year record of total assessments; and
- (11) list of Capital Improvement commitments for the current and subsequent five (5) fiscal years.

NOTE: Original Capital Planning Committee authorized under ATM 1972, Article 19, amended STM December 10, 1973; Capital Improvement Committee By-Law enacted as replacement, June 19, 1995 ATM, Article 18; amended STM October 7, 2002, Article 29.

ARTICLE 19 UTILITY POLES

Section 1 - Within sixty (60) days after a utility pole, to which overhead wires for telephone and or electric transmission are connected, is replaced because of obsolescence or destruction from any means, the public

utility company or companies responsible for maintaining said poles shall cause the old pole to be removed, so that so-called “double poles” will no longer remain standing beyond that date.

Section 2 - Henceforth, a representative of the above-named public utility company or companies shall notify the Board of Selectmen that they have replaced a utility pole and have attached the old pole to the new, giving the date of such replacement and its exact location and shall designate a five (5) day period within the sixty (60) day maximum limit when they shall cause the so-called “double pole” to be removed.

Section 3 - Within one hundred and twenty (120) days of the adoption of this by-law, a representative of the public utility company or companies shall submit a schedule for the removal of all existing “double poles” to the Selectmen, said schedule to provide for the removal of all existing “double poles” by June 1, 1971.

Section 4 - Any person, corporation or other entity which shall violate or cause to be violated any provision of this article may be punished by a fine not exceeding Two Hundred (\$200.00) Dollars each day such violation exists to be considered a separate violation.

NOTE: Adopted ATM 1970, Article 74.
Section 4 added STM March 13, 1989, Article 30.

ARTICLE 20

SNOW AND ICE, REMOVAL OF VEHICLES

Section 1 - The Highway Surveyor or other officer having charge of ways for the purpose of removing or plowing snow, or removing ice from any way, may remove or cause to be removed any vehicle interfering with such work to a public garage or some other convenient place.

Section 2 - The owner of such vehicle so removed shall be liable to the Town of Milford for the cost of such removal or the storage charges, if any, resulting therefrom.

NOTE: Adopted STM December 2, 1941, Article 4.

ARTICLE 20A
FIRE REGULATIONS

Section 1 - It shall be unlawful to obstruct or block a private way with a vehicle or otherwise so as to prevent access by fire apparatus or equipment to any building.

Section 2 - It shall be unlawful to obstruct any Fire Lane, or to park a vehicle within any Fire Lane, such Fire Lane to be designated by the Fire Chief and posted as such. A distance of 12 feet from the curbing of a sidewalk in a shopping center, bowling establishment, theater or similar location shall be designated by the Fire Chief as a Fire Lane, and posted as such. Where no sidewalk exists, the distance shall be 18 feet from the building line.

Section 3 - Any object or vehicle obstructing or blocking any such Fire Lane or private way may be removed or towed by the Town at the expense of the owner and without liability to the Town of Milford, or to its officers, employees, agents, or servants.

Section 4 - The owner of any building serviced by a Fire Lane as designated by the Fire Chief under Section 2, above, shall provide and install the signs as provided for in said Section 2.

Section 5 - It shall be unlawful to obstruct a fire hydrant by erection or maintenance of a fence, stonewall, hedge or other structure or object or to maintain same within four (4) feet of any fire hydrant, whether such hydrant is on public or private property or whether such hydrant is itself the property of the Town or of another individual or entity, without first obtaining permission in writing from the Chief of the Fire Department.

Section 6 - It shall be unlawful to turn a fire hydrant on or off to turn any sprinkler valve, gate valve, whether said hydrant or valve is on property of the Town or any other entity or individual, without first obtaining permission in writing from the Chief of the Fire Department, provided however, such actions may be taken in emergency situations. Notice of such emergency actions must be given to the Fire Department within a reasonable period of time.

Section 7 - All underground petroleum storage tanks, five hundred (500) gallons or more, and every underground waste oil storage tank shall be inspected every five (5) years, with a member of the Fire Department in attendance. Such inspection shall be carried out with a hydrostatic pressure test of five (5)

pounds for a minimum of four (4) hours. Fee for such test observation shall be Five (\$5.00) Dollars, payable at the same time as the testing.

Section 8 - Such test shall be conducted between the months of May through September. Such testing shall be carried out by an organization that is trained for such work and approved by the Fire Chief or the Fire Marshall. The owners or user of the tank shall bear responsibility for the entire cost of the test. The owner or user shall notify the Fire Department of the date of the intended inspection not less than seven (7) days prior to said inspection date.

Section 9 - No underground tank which has been used for the keeping or storage of any flammable or combustible liquid shall be removed or relocated unless a permit therefor shall first have been obtained from the Chief of the Fire Department, or his designee. The fee for such permit shall be Two Hundred (\$200.00) Dollars per tank to be removed.

Section 10 - Any person who shall violate any provision of this Article may be punished by a fine not exceeding Two Hundred (\$200.00) Dollars.

NOTE: ATM 1976, Article 73; Amended STM October 22, 1979, Article 19; ATM 1980, Article 13; Amended ATM June 10, 1991, Article 24.

ARTICLE 20B

HAZARDOUS MATERIALS AND WASTE COST RECOVERY

Section 1 - Any person, firm or organization that releases or cause to be released any hazardous material or waste within the boundaries of the Town of Milford on public or private property shall be held liable and responsible for the following:

- a. The cost of complete cleanup and disposal of the material released or contaminated by the release, including all costs incurred or authorized by any officer of the Town that has jurisdiction in such matters and any state or federal agency that has jurisdiction.
- b. Replacement or cost of replacement of any reusable equipment and/or material damaged due to the incident.
- c. Replacement or cost of replacement of any disposable equipment and/or material used during the incident.

- d. Reimbursement of any funds expended by the Town for food and/or shelter due to the incident.
- e. Reimbursement of any funds expended by the Town for evacuation and/or relocation due to the incident.
- f. Reimbursement of any funds expended by the Town for overtime pay due to the incident.
- g. Reimbursement of any funds expended by the Town to mitigate the incident.

Section 2 - Failure to comply with any of the foregoing within thirty (30) days of demand shall entitle the Town to bring an action in contract in the appropriate court to recover same.

NOTE: Adopted ATM June 6, 1988, Article 16.

ARTICLE 21

ANNOYANCE AND DISTURBANCE ON PRIVATE PROPERTY

No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, not for the purpose or intent of invading the privacy of any other person by peeping into the windows of a house, building, automobile, or other vehicle, or spying upon or leering at any person or persons living, abiding or present in said house, building, automobile or other vehicle.

Nothing contained in this section shall be construed to abridge nor in any way limit the right of a police officer to enter upon private property nor to perform any act necessary in the performance of his duties.

Whoever violates any of the provisions of this Article (21) shall be punished by a fine not exceeding Twenty (\$20.00) Dollars.

NOTE: Adopted ATM 1954, Article 54.

ARTICLE 22
HANDICAPPED PARKING

Section 1 - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the General Laws, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.

Section 2 - Parking spaces designated as reserved under the provisions of Section 1 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words “Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed at Owner’s Expense”; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

Section 3 - It shall be unlawful to leave any vehicle unattended in a space designated as described in Sections 1 and 2 above without such vehicle having the distinguishing license plates described therein or park any vehicle in such manner as to obstruct a curb or ramp designed for use by handicapped persons as a means of egress to a street or public way, and the penalty for violation shall be as follows:

For the first offense, fifty dollars; and for each subsequent offense, the vehicle may be removed

according to the provisions of Section one hundred and twenty D of Chapter two hundred and sixty-six of the General Laws.

NOTE: Adopted STM May 9, 1983, Article 22.
Amended ATM June 15, 1987, Article 23.
Amended ATM June 7, 1993, Article 23.

ARTICLE 23 RESIDENCY REQUIREMENT FOR FIREFIGHTERS

All persons first permanently appointed to the Milford Fire Department after the effective date of this By-Law shall, as a condition of their continued employment, make their principal place of residence within the boundaries of the Town of Milford within six (6) months of the effective date of their appointment and shall maintain their principal place of residence in Milford for the duration of their permanent employment with said Fire Department.

NOTE: Adopted STM October 3, 1983.
Article 6, Approved A.G. Dec. 7, 1983.

ARTICLE 24 RESIDENT ONLY PARKING

Section 1 - After written notice to the residents of any street, as listed in the most recent street listing, and after publication in a newspaper of general circulation in the Town of Milford, and after a public hearing, the Board of Selectmen may by appropriate amendment to the traffic rules and orders of the Town, prohibit or regulate the parking of any motor vehicle in front of any dwelling house on such street except by the occupants of said dwelling house.

Section 2 - Notice of any such prohibition or regulation shall be given to the public by use of portable or permanent signs.

NOTE: Adopted STM February 25, 1985, Article 21.
Approved A.G. April 19, 1985.

ARTICLE 25
FEES OF TOWN CLERK

1.	For entering amendment of a record of the birth of an illegitimate child subsequently legitimized	\$ 4.00
2.	For correcting errors in a record of birth	4.00
3.	For furnishing a certificate of a birth	3.00
4.	For furnishing an abstract copy of a record of a birth	1.00
5.	For entering a delayed record of birth	5.00
6.	For filing certificate of a person conducting business under any title other than his real name	5.00
7.	For furnishing certified copy of certificate of person conducting business under any title other than his real name	3.00
8.	For recording the name and address, the date and number of the certificate to a person registered for the practice of podiatry	5.00
9.	For correcting errors in a record of death	5.00
10.	For furnishing a certificate of death	3.00
11.	For entering notice of intention of marriage and issuing certificates thereof	10.00
12.	For entering certificate of marriage filed by persons married outside the Commonwealth	3.00
13.	For issuing a certificate of marriage	3.00
14.	For correcting errors in a record of marriage	5.00
15.	For recording the name of the owner of a certificate of registration as a physician	5.00
16.	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166 FLAT FEE	25.00
17.	For receiving and filing of a complete inventory of all items to be included in a "closing out sale" or similar sale	2.00/page

ARTICLE 25A
MISCELLANEOUS FEES

The annual fees for automatic amusement devices licensed pursuant to M.G.L.

Ch. 140, sec. 177A shall be as follows:

Weekdays - per machine	\$100.00
Sundays/after 1 P.M. - per machine	50.00
Sundays/before 1 P.M. - per machine	100.00

NOTE: Added by STM, March 13, 1989, Article 8.

ARTICLE 26
TAX PAYMENTS AS LICENSE, ETC. CONDITION

Section 1 - The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issue licenses or permits, including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 2 - The Licensing Authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the Licensing Authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not

be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality at the date of issuance of said certificate.

Section 3 - Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 4 - The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders,, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

NOTE: Adopted ATM May 14, 1986, Article 31,
which also accepted Section 57 of Chapter 40
of the General Laws as added by Chapter 64 of
the Acts of 1985. Amended May 20, 1996
ATM, Article 33.

ARTICLE 27

MILFORD COMMISSION ON DISABILITY

Section 1 - Establishment.

There shall be a Milford Commission on Disability.

Section 2 - Function and Purpose.

(a) Act as a centralizing force in the Town of Milford and the community which will deal with all disability issues; providing information, referral, guidance, coordination, offering and providing technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination against person(s) with disability(s) because their status as a person with a disability or as a minority person with a disability.

(b) Take such action as the Commission considers appropriate to insure the equal status of person(s) with a disability(s) of every race, creed, color, national origin, veteran status, age and sexual preference.

(c) Assure that no otherwise qualified individual with a disability in the Town of Milford shall, solely by reason of his or her disability, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity within the Town of Milford.

Section 3 - Definition of a Person with a Disability.

For purposes of this Ordinance, a person with a disability shall be defined as any person who: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such impairments.

Section 4 - Powers and Duties.

The powers and duties of the Commission shall include the following:

(a) To insure the equal status of the disabled in education, employment, economic, political, health, legal and social spheres.

(b) To design and implement programs that promote equality for all disabled in the Town.

(c) To review recommendations and policies of all departments and agencies of the Town.

(d) To initiate, coordinate, and monitor the enactment of legislation which promotes equal status of the disabled on the municipal, state and federal levels, and to insure that appropriate regulations are adopted and enforced pursuant to such legislation, including, but not limited to implementation of Sec. 504.

(e) To assist in the planning and coordination of activities of all departments.

(f) To participate in an advisory capacity in the hearing of complaints brought alleging discrimination against the disabled.

(g) To obtain from Town departments and agencies any and all information necessary to carry out the functions, purposes, programs and activities of the Commission.

(h) To assist in public awareness of the disabled through participation in public and media events sponsored by the Administrative and or Legislative bodies of the Town, including but not limited to Town sponsored recreational, educational and development activities.

(i) To raise funds for the use of the Commission in accordance with established procedures and statutes and to accept money, gifts and services for its exclusive use and expend or use the same, and subject to appropriation or to receipt of such money, gifts, and services, employ clerical and technical assistance or consultants.

(j) To be an active and participating member of appropriate organizations dealing with issues affecting the disabled.

(k) To recruit and recommend prospective members to the Commission subsequent to appointment by the Board of Selectmen.

(l) To serve on the Commission without compensation with the understanding that they will be reimbursed for any expense which may reasonably be incurred through service as a member of the Commission.

(m) To acquire, analyze, use and store disability related statistics and related materials in conjunction with the Milford Town Library for program planning and evaluation purposes.

(n) To hold at least eight regular meetings throughout the year and to conduct additional meetings as necessary.

(o) Such other powers and duties as may be agreed on by the Board of Selectmen and the Commission.

Section 5 - Membership, Appointment, Term, Removal.

(a) The Commission shall consist of 9 members, all of whom shall be appointed initially by the Board of Selectmen. Of the members, at least 4 shall be persons with a handicap as defined in Section 3 of this Ordinance and represent as many cross-disabilities from the disabled community as possible. The remaining members shall be parents, friends, or other interested persons of the disabled. These members shall initially serve for the following terms:

- (1) 3 members shall serve for a one year term;
- (2) 3 members shall serve for a two year term;
- (3) 3 members shall serve for a three year term.

After the initial terms, all Commissioners shall be appointed for a term of three years.

(b) One month prior to making said appointments, the Board of Selectmen shall solicit nominations from as many organizations representing the disabled as possible, and insure appointees represent a broad cross section of the Town's citizens interests and are residents of the Town themselves.

(c) If any member misses three unexcused meetings of the Commission during the calendar year, that position of said Commissioner shall be automatically vacated upon certification to the Board of Selectmen by the Commission. The Board shall then proceed to immediately fill said vacancy.

(d) That the Commission at all times be concerned about the needs and expectations of all persons with disabilities.

Section 6 - Election of Chairperson; By-Laws.

The members of the Commission shall elect a Chairperson from among its members, and shall adopt By-Laws for the Commission.

Section 7 - Severability of Sections.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8 - Project Review

Each Town department, official or agency, which approves or issues permits for commercial, industrial or institutional activity within any building or structure, or approves any permit or authorization for the erection of any building or structure in which such activity may take place shall, forthwith upon receipt of any application or request for approval of such, forward a copy of the application or request and any accompanying plans or drawings to the Commission for review and recommendation as to compliance with all laws and regulation relating to accessibility for persons with disabilities.

NOTE: Adopted STM February 25, 1985. The Article adopting incorrectly referred to this Article as a new Article 23. An Article 23 had recently been adopted. This Article has therefore been editorially placed as Article 27. Amended ATM June 8, 1992, Article 14, Amended ATM May 23, 2001, Articles 47 and 48.

ARTICLE 28

INTEREST ON CHARGES AND FEES

Section 1 - All lawful charges and/or fees of the Town, or any department thereof, for which a due date is not otherwise fixed by law, shall be due and payable on the thirtieth (30th) day after mailing notice of such charge or fee.

Section 2 - If such charge or fee remains unpaid after such due date(s), interest shall be due and may be charged at the rate of fourteen (14%) percent per annum computed from the date such bill was mailed.

NOTE: Added, STM March 13, 1989, Article 25.
Amended, ATM June 7, 1993, Article 38.

ARTICLE 29

JUNK MOTOR VEHICLES

Section 1 - No person or entity, corporate or otherwise as owner or as one in control of premises, shall keep in any area of the Town of Milford, unless fully enclosed within a building or structure, any junk motor vehicle as defined in the following section, or unregistered motor vehicle, except by a person duly licensed under Chapter 140, Section 59 of the General Laws, or those vehicles designated and used for farming or agricultural or construction purposes, or operable recreational style vehicles.

Section 2 - For the purposes of this By-Law, a junk motor vehicle shall be one which is worn out, cast off, or discarded and which is ready for dismantling or destruction, or which has been collected or stored for salvage, or for stripping in order to make use of the parts thereof. Any parts from such a vehicle shall be considered junk motor vehicle under this By-Law.

Section 3 - Any person or entity who violates this By-Law shall be liable to a fine of \$200.00 for each day said violation continues.

NOTE: Added, STM March 5, 1990, Article 3. The Article incorrectly designated a new Article 28. It has been editorially placed as Article 29;
Amended ATM June 12, 2006, Article 35.

ARTICLE 30
NON-CRIMINAL DISPOSITION OF TOWN BY-LAWS
OR RULES AND REGULATIONS

Section 1 - There is hereby provided for in the Town of Milford, in accordance with the provisions of Section 21D of Chapter 40 of the General Laws, a system of non-criminal disposition of violations of Town By-Laws and Rules and Regulations.

Section 2 - Upon the effective date of this By-Law, any person taking cognizance of a violation of any By-Law or Rule or Regulation which he is empowered to enforce, may give to the offender a written notice to appear before the Clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days of the date of such notice. Notice of violation shall comply with the terms of said Section 21D as to content, timing, and all other aspects.

Section 3 - Any person notified to appear before the Clerk of a district court as hereinbefore provided, and as provided in said Section 21D, may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk together with the notice, such specific sum of money not exceeding three hundred dollars as may otherwise be fixed as the penalty for violation of the By-Law, Rule or Regulation.

Section 4 - All of the provisions of Section 21D of Chapter 40 of the General Laws shall be applicable to any notice of violation under this By-Law, including the right to contest the violation alleged in the applicable district court.

NOTE: Added, STM February 10, 1992, Article 4. The Article incorrectly designated the new Article as No. 29. It has been editorially designated as Article 30.

ARTICLE 31
PROPERTY MAINTENANCE STANDARDS

Section 1 - SCOPE

It is the intent of this By-Law to establish definitive and practical requirements for maintenance and renovation of existing commercially utilized property. It is the further specific purpose of this By-Law to establish such minimum standards for land and building maintenance so as to ensure the public health, safety and welfare of the Town and its inhabitants. Such standards shall be binding on all landowners, both public and

private. This By-Law shall apply to all areas of the Town zoned to permit primary commercial and/or industrial use or any land actually utilized primarily for commercial or industrial purposes.

Section 2 - STANDARDS OF MAINTENANCE

All buildings, appurtenant structures, parking lots and grounds shall be maintained and repaired in a manner consistent with the requirements herein. It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises subject to this By-Law in the Town of Milford to maintain such premises or property in violation of the following requirements:

- a. Buildings or structures shall be structurally safe and shall provide adequate egress, and shall not constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment;
- b. Building appurtenances, including but not limited to signage, canopies, awnings, stairways, standpipes and decorative features shall be structurally safe and shall not constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard disaster damage or abandonment;
- c. Premises shall be maintained so as to not constitute a fire hazard or sanitation concern by reason of weeds, rank overgrowth, accumulation of debris, drainage or seepage of oil or presence of hazardous waste;
- d. Buildings shall not be left abandoned, partially destroyed, or unreasonably in a state of partial construction;
- e. Exterior walls shall be free of holes, breaks, loose or rotting boards and other conditions which might admit rain or dampness to the interior. All exterior surface materials shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration;
- f. Broken windows constituting hazardous or unsightly conditions and inviting trespassers and malicious mischief are prohibited;
- g. Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances, or which causes detriment to neighboring properties is prohibited;
- h. Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties shall be prohibited;
- i. Discarded materials, equipment, or other debris, shall not be stored within the front yard area or be visible from public streets for unreasonable periods or left to cause damage or detriment to neighboring property; in the event materials or supplies actively used in business are stored in any exterior areas abutting public streets and/or residentially zoned or utilized properties, solid or opaque screening or fencing shall be established and maintained;
- j. Premises shall be maintained in such condition so as to not be detrimental to public health, safety or general welfare and in such a manner so as to not constitute a public nuisance;
- k. Sidewalk areas shall be maintained in a safe and passable condition. Responsibility for removal of debris and regular cleaning shall rest with the adjoining property owner;

- l. Parking areas shall be kept in good repair, properly marked, and clear of litter and debris.
- m. Refuse loading and service areas shall be kept neat and clean;
- n. Landscape materials other than plantings (i.e. fencing, walkways), which have deteriorated or have been damaged or defaced, must be property repaired or replaced;
- o. Plantings must be kept watered, fed, cultivated and pruned as required to give a healthy and well groomed appearance during all seasons. Planting areas shall be periodically weeded, cleaned, and surface protection such as bark chips shall be replaced as needed. Lawns must be mowed on a regular basis.

Section 3 - DECLARATION OF VIOLATION/ENFORCEMENT

Whenever the Inspector of Buildings determines that any building or premises within the Town is being maintained in violation of the provisions of this By-Law, he shall give written notice thereof to the occupant or owner. Such notice shall be sent by certified or registered mail, return receipt requested. In addition, a copy of the notice shall be posted on the subject building or premises. Said notice shall specify the condition or conditions to be corrected or remedied and shall specify a reasonable period within which this must be accomplished.

Section 4 - PENALTY

Any person who shall violate any provision of this Article shall be punished by a fine not exceeding Two Hundred (\$200.00) Dollars per day, with each day such violation continues to be considered a separate offense.

Section 5 - SEVERABILITY

If any section, sub-section, sentence, clause, phrase, or portion of this By-Law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

NOTE: Added by ATM, June 8, 1992, Article 17. The Article incorrectly designated the new Article as No. 29. It has been editorially corrected to Article 31.

ARTICLE 32

POLICE CHIEF SELECTION BY-LAW

1. INITIAL ACTION

When a vacancy in the position of police chief exists, or is anticipated to exist by reason of resignation, retirement, dismissal, permanent total disability, or non-renewal of the incumbent, the Board of Selectmen shall cause to be assembled a Police Chief Selection Review Committee, as is set forth in Section 2 of this By-Law, within thirty (30) days of notification of said determination.

2. POLICE CHIEF SELECTION REVIEW COMMITTEE

A Police Chief Selection Review Committee shall be comprised of the following nine (9) members (actually (12) members by the October 20, 1998 vote)”

- A. Chairman of the Board of Selectmen, or his/her designee;
- B. Representative of the Milford Police Association, elected by said Association, provided he/she is not a candidate for said chief's position;
- C. Chairman of the Personnel Board, or his/her designee, who shall be a member of the Personnel Board;
- D. Chief of Police, if available, or if unavailable, the senior officer by rank and years of service on the Milford Police Department who is not, also, an applicant for the vacancy;
- E. Chairman of the Finance Committee of the Town of Milford, or his/her designee, who shall be a member of the Finance Committee;
- F. Two (2) Town Meeting members, one to be appointed by the Town Moderator, and one to be appointed by the Board of Selectmen;
- G. Two (2) at-large members, selected by the Town Moderator, who shall be residents of the Town of Milford and who also shall be:
 - 1. An active or retired state or federal law enforcement officer; or
 - 2. A personnel administration professional; or
 - 3. A professor or assistant professor of police science or criminal justice at a recognized institution of higher education;
- H. Three residents of Milford, not Town officials or Town Meeting members, appointed by the Board of Selectmen.

The Board of Selectmen shall notify in writing each member above designated and shall notify the Town Moderator that he is to publicly solicit applications for the two (2) at-large members and the two (2) town meeting members as provided in Sections 2.F. and 2.G. herein by notice published not fewer than twice in the local newspaper. If the Town Moderator receives no such applications, he shall be empowered to appoint the at-large members from among the membership of the Annual Town Meeting, and he shall appoint one additional Town Meeting member, and the Board of Selectmen shall appoint one Town Meeting member.

3. DUTIES OF THE POLICE CHIEF SELECTION REVIEW COMMITTEE

It shall be the duty of the Police Chief Selection Committee to:

- A. Establish minimum criteria for the position of police chief, including but not limited to the following:
- (1) Demonstrated leadership ability
 - (2) Administrative ability, which shall include
 - (a) Budget preparation or financial planning
 - (b) Personnel evaluation and supervision
 - (c) Knowledge of modern police record keeping
 - (3) A minimum of 10 years law enforcement experience, including the following:
 - (a) Patrol
 - (b) Investigative techniques
 - (c) Traffic
 - (d) Crime prevention and control
 - (e) Law enforcement communication systems
 - (f) Public relations
 - (g) Case preparation and prosecutorial function (experience)
 - (h) Good knowledge of computers
 - (4) Minimal Education Requirement
 - (a) Bachelors Degree or the equivalent in police science or criminal justice is preferred
 - (b) Continuing police related education or training
 - (5) Physical and Mental Fitness
 - (a) Good physical condition, including ability to pass physical examination and agility test;
 - (b) Good mental condition, including ability to pass law enforcement psychological screening tests.
 - (6) Character - Applicants shall be of good moral character and shall not have been convicted of any criminal offense, other than minor traffic violations.
- B. Engage in the following selection process:
- (1) Invite and recruit applications locally and nationally
 - (2) Review applications
 - (3) Conduct preliminary oral interviews of selected candidates
 - (4) Select six (6) finalists and require of each:
 - (a) Physical examination
 - (b) Psychological examination
 - (c) Agility test
 - (5) Upon the successful completion of the physical, psychological and agility tests, the Committee shall conduct or cause to be conducted of at least four (4) of the finalists the following:
 - (a) In depth background investigation to be conducted by a recognized professional investigating service
 - (b) Oral interviews
 - (6) Select and recommend three (3) to (5) finalists to the Board of Selectmen. Such recommendation shall be in writing and shall address all of the

above criteria, unranked.

- (7) The Board of Selectmen shall appoint a Chief of Police as soon as is reasonably possible after receipt of said recommendations.

4. TERM OF POLICE CHIEF - INITIAL TERM

The Chief of Police appointed in accordance with this By-Law by the Board of Selectmen shall serve for a term set by the Board in accordance with law.

5. TERMINATION

The Board of Selectmen may remove the Chief of Police from office only for just cause and only after a hearing, at which hearing a stenographic record shall be made of the proceedings. At any such hearing the Chief of Police shall be entitled to be represented by counsel, at his/her own expense, and present evidence on his/her own behalf.

NOTE: Enacted May 18, 1998 ATM, Article 18;
Amended October 20, 1998 STM, Article 24.

ARTICLE 33

WETLANDS ADMINISTRATION BYLAW

SECTION 1. MEMBERSHIP

The Town shall have a Conservation Commission consisting of seven (7) members appointed by the Board of Selectmen for a term of three (3) years each.

SECTION 2. PURPOSE

The purpose of this By-Law is to protect the wetlands, related water resources and adjoining land areas in the Town of Milford by controlling activities likely to have a significant or cumulative effect upon the important public values of those areas, which include, without limitation, the following: public or private water supply, ground water supply, flood control, erosion and sedimentation control, storm damage prevention, protection of surrounding land and other homes or buildings, prevention of pollution of ground water or surface water, fisheries, wildlife habitat, recreation and historic natural scenic character of wetland resources area, water courses, lakes and ponds (collectively, the “values protected by this By-Law”).

The Conservation Commission shall have the duties and powers specified in the General Laws, including, but not limited to, Chapter 40, Sections 5 and 8C as amended, and Chapter 131, Section 40, as amended. Such duties and powers include, but are not limited to, the following:

- a. the promotion and development of the natural resources and protection of watershed resources of the Town;
- b. the researching of local land areas and the coordination of the activities of unofficial bodies organized for similar purposes;
- c. the advertising, preparation and distribution of books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work;
- d. the receiving of gifts, bequests or devises of personal property or interests in real property in the name of the Town subject to the approval of the Selectmen;
- e. the acquisition, in the name of the Town, by option, purchase, lease or otherwise, the fee in such land or water rights, conservation restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces in land and water areas within the Town, and the management and control of same;
- f. the regulation and protection of wetlands, related water resources and adjoining land areas in the Town of Milford, including the authority to regulate or prohibit the removal, filling, dredging or altering of any area likely to have a significant effect upon public or private water supply, ground water, flood control, storm damage prevention, erosion, prevention of pollution, wildlife habitat or recreation.

SECTION 3. JURISDICTION

Except as permitted by the Conservation Commission, or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas:

- land within 100 feet of any:
 - o freshwater wetland
 - o marsh
 - o wet meadow
 - o bog, or
 - o swamp

- land within 100 feet of any
 - o bank
 - o beach
 - o dune, or
 - o flat;
 - o any lake
 - o river,
 - o pond,
 - o stream, or
 - o estuary,

- any land under said waters; or
- within 100 feet of any land subject to flooding or inundation by ground water, or surface water.

No person shall remove, fill, dredge, or alter any bank, freshwater wetland, marsh, wet meadow, bog or swamp or lands bordering on any estuary, creek, river, stream, pond or lake, or any land subject to flooding, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging,

- an existing and lawfully located structure, or
- facility used in the service of the public and used to provide electric, gas, water, drainage, telephone, telegraphs and the telecommunication services,

without filing written notice of his intention so to remove, fill, dredge, or alter and without receiving and complying with an order of conditions and provided all appeal periods have elapsed.

Such notice shall be sent by certified mail or hand delivered to the Milford Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment.

The same notice, plans, and specifications required to be filed by an applicant under Massachusetts General Law, Chapter 131, Section 40, and 310 CMR 10 et seq., as amended, may be accepted as fulfilling the requirements of this bylaw. The said Commission, in its discretion, may hear any oral presentation under this bylaw at the same public hearing required to be held under the provisions of said Chapter 131, Section 40 of the Massachusetts General Laws.

SECTION 4. APPLICATIONS FOR PERMITS AND REQUESTS FOR DETERMINATION

Written application shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment, including, but not limited to, all information normally required in the building permit application and copies of all applications for approval from the Town of Milford, the Commonwealth of Massachusetts or the United States Government relating to work subject to this bylaw.

The application shall also include a list of abutters certified by the Board of Assessors, including those across a traveled way.

No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw. The Commission in an appropriate case, may accept as the application and plans under this bylaw, the Notice of Intent and plans filed under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

At the time of a permit application or request for determination or application for a Certificate of Compliance, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee shall be deposited in a revolving fund in accordance with G.L.c.44, Section 53E ½ . If authorized pursuant to Ch. 44, Section 53E ½, such fee shall be deposited in a separate account, for use only for wetlands protection activities. The Conservation Commission shall use such filing fees to implement this Article, the regulations promulgated hereunder, and any policies developed by the Conservation Commission, including but not limited to the employment of a Conservation Agent, the responsibilities of such Conservation Agent to include, but not be limited to, review of resource areas, performing site visits, briefing the Conservation Commission, serving as liaison between the Conservation Commission, applicants, abutters, consultants and other interested parties, drafting determinations of applicability and orders of conditions, verifying implementation of erosion control measures, facilitating public hearings, issuing certificates of compliance and enforcing the provisions of this Article, the regulations promulgated hereunder, and the policies developed by the Conservation Commission. This fee is in addition to that required by the Wetlands Protection Act (General Laws Chapter 131, Section 40) and Regulations (310 CMR 10.00), however, the Conservation Commission may credit this fee towards the fee required with the filing pursuant to the Wetlands Protection Act and its Regulations. The Conservation Commission may waive the filing fee for an application, request for determination or application for a Certificate of Compliance filed by a government agency.

In order to enforce the provisions of Article XXX, the regulations promulgated hereunder, and the policies developed by the Conservation Commission to the extent consistent with Ch. 44, Section 53G of the G.L. and any other law pertaining thereto, or at any point during the review of an application until a Certificate of Compliance is issued, the Conservation Commission may find that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because the project may have a significant effect upon the values the Conservation Commission is authorized to protect. Upon reaching such a finding, the Conservation Commission may require an applicant to pay the reasonable costs and expenses for consultant services deemed necessary by the Conservation Commission. This fee is called the Consultant Fee. The consultant services may include, but shall not be limited to, ascertaining the extent of the Conservation Commission's jurisdiction, analyzing resource area functions and values, evaluating wildlife habitat, analyzing hydrogeologic and drainage conditions, providing assistance during appeal or litigation, researching environmental or land use law, and inspecting work to insure compliance with Article XXX.

Outside consultants shall be chosen by the Commission. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen who shall approve or disapprove the selection within thirty (30) days. The grounds for such an appeal shall be limited to claims that the consultants selected has a conflict of interest or does not possess the minimum required qualifications. The standard of qualification shall consist of Mass. certification or license in the field at issue or references mutually acceptable to the Commission and the applicant, showing expertise and experience in the field at issue. The required time limit for action upon an application by the Commission shall be extended by the duration of the administrative appeal.

SECTION 5. NOTICE AND HEARINGS.

Any person filing an application or a request for determination with the Commission shall, at the same time, give written notice thereof by certified mail or hand delivery to the Inspector of Buildings of the Town of Milford. The notice shall include a general description of the proposed work to be performed and state that an application has been filed with the Conservation Commission.

The Commission shall conduct a public hearing on any application or request for determination with written notice given at the expense of the applicant, five (5) working days prior to the hearing, in a newspaper of general circulation in the Town of Milford.

The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed application or request for determination. An application shall not be deemed complete unless the filing fee is paid.

The Commission shall issue its permit or determination in writing within twenty-one (21) days of the close of the public hearing thereon.

The Commission may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, MGL, Chapter 131, Section 40.

The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, and deemed necessary by the Commission in its discretion. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

SECTION 6. PERMITS, DETERMINATIONS, AND CONDITIONS

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant effect upon the values protected by this bylaw, the Commission, within twenty one (21) days of the close of the hearing, shall issue or deny a permit for the activities request. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit

- for failure to meet the requirements of this bylaw;
- for failure to submit necessary information and plans requested by the Commission;
- for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission;
- for failure to avoid or prevent unacceptable significant effects upon the values protected by this bylaw; and
- where no conditions are adequate to protect those values.

A permit shall expire three (3) years from the date of issuance. Any permit may be renewed for additional one (1) year periods, provided that a request for a renewal is received in writing by the Commission thirty (30) days prior to expiration.

For good cause, the Commission may revoke or modify a permit issued under this bylaw after public notice and public hearing, and written notice to the holder of the permit.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act.

SECTION 7. REGULATIONS

After public notice and public hearing, the Commission shall promulgate or amend rules and regulations to effectuate the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

NOTE: As amended ATM May 19, 2003, Article 35.

SECTION 8. ENFORCEMENT

The Commission, its agents, officers, and employees, shall have authority, to the extent permitted by law, to enter upon private property for the purpose of performing their duties under this bylaw and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission or its agent shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission or its agent, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law.

Upon request of the Commission or its agent, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commissioner it's agent in enforcement.

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or portion thereof during which the violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, Section 21D.

SECTION 9. BURDEN OF PROOF

The applicant for a permit shall have the burden of providing by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant effect upon the wetland values protected by this bylaw.

SECTION 10. RELATION TO THE WETLANDS PROTECTION ACT

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and Home Rule statues, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder.

SECTION 11. SEVERABILITY

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

ARTICLE 34

USE OF BICYCLE PATHS, TRAILS
AND ASSOCIATED AREAS

Section 1. Definitions.

All-Terrain Vehicle (ATV) or Off-Road Vehicle (ORV) – Any motor powered vehicle for Off-Road or All-Terrain use, whether designed or modified for cross country travel without benefit of a road or trail, on or over land, snow, ice, wetland or other natural terrain. This definition includes but is not limited to tracked or three or four wheeled vehicles, motorcycles or related two wheeled vehicles, amphibious machines, air cushion vehicles or any other means of transportation deriving motive power from a source other than the use or exertion of the human muscle or a natural source such as the wind.

Bicycle – A non-motorized vehicle, powered by peddling or other human exertion, consisting of a frame mounted on a wheel or wheels and generally having a seat, handlebar for steering and pedals for human propulsion.

Bicycle Path – Any way designated or constructed by the Town of Milford specifically for non-motorized bicycle use for public recreation and transportation. Bicycle Paths are typically paved, signed, and have structures (gates, bollards, etc.) to control or exclude motorized vehicular access.

Handicap or HP Vehicle – A vehicle or device utilized to provide mobility to a person who would otherwise be prohibited from access because their physical ability of movement would otherwise be challenged or impaired.

Motor Vehicle – Any motorized vehicle as defined in G.L. c 90 s. 1, or any motorized vehicle or vehicle capable of motorized operation, not so defined by G.L. c. 90 s. 1, to include but not be limited to, automobiles, trucks, motorcycles, snow vehicles, mopeds, scooters, mini-bikes, pocket-bikes, ORV's, or ATV's.

Mountain Bicycle – A two wheel non-motorized bicycle designed to be used both on and off paved surfaces or over unimproved terrain.

Operate – To ride in or on, and be in actual physical control of the operation of a vehicle.

Official Traffic Control Devices – All signs, signals, markings and devices placed or erected by the Town of Milford for the purposes of guiding, directing, warning or regulating use of the Bicycle Paths and related areas.

Pedestrian – A person who is walking, jogging, or running.

Person – Any individual, firm, partnership, corporation, company, association, or body politic, or any combination of individuals, including any agent, trustee, executor, receiver, assignee, or other representative of any kind, except the United States, the Commonwealth of Massachusetts,

the Town of Milford or other City or Town body politic, and the agents, representatives, or employees or said governmental units.

Rail Trail – Any former railroad right-of-way utilized by the Town of Milford for public recreation and transportation. Rail Trails are typically paved, signed, and have structures (gates, bollards, etc.) to control motorized vehicular access.

Snow Vehicle – A motor powered vehicle designed to travel over snow or ice, supported in whole or in part by skis, belts, cleats or tracks.

Traffic – Pedestrians, ridden or herded or walked animals, bicycles, vehicles, buses and other conveyances either singularly or together while using any way for the purpose of travel.

Vehicle – Every device in, upon or by which any person or property is or may be transported or drawn upon a way.

Section 2. General Provisions.

The provisions of this By-Law shall be liberally construed to permit the Town of Milford and designated law enforcement officers to ensure and enforce the proper use of the bicycle paths and trails in accordance with these regulations and the intended use of said paths and trails.

Section 3. Regulations For Use of Bicycle Paths and Rail Trails, and Associated Areas.

a. No Person shall use or operate a motorized vehicle or device of any kind, or a device or vehicle capable of motorized operation, except Authorized maintenance vehicles, Emergency vehicles of the Police Department, Fire Department, Emergency Medical Services, or other emergency service upon or within the Town of Milford Bicycle Path or Trail, or associated areas, to include but not be limited to an automobile, truck, motorcycle, snow vehicle, moped, scooter (except scooters used by people with disabilities for mobility), mini-bike, pocket-bike, ORV, or ATV, unless said area is specifically designated for the parking, placement or operation of motorized vehicles.

b. Motorized vehicles of any kind or type shall not be operated or placed upon or within a Town of Milford Bicycle Path or Trail, except if said vehicle or device is being utilized to provide mobility to a handicapped person who would otherwise be prohibited from access because their physical ability of movement would otherwise be challenged or impaired and provided further that said vehicle or device is not an automobile, truck, motorcycle, snow vehicle, moped, scooter, mini-bike, pocket-bike, ORV, or ATV.

c. Any motorized vehicle, as defined in G.L. c. 90 s. 1, found in or upon a Town of Milford Bicycle Path or Rail Trail, or associated areas, unless specifically authorized, shall be subject to towing and storage upon the order and direction of a law enforcement officer in accordance with the provisions of G.L. c. 266 s. 120D. Any motorized vehicle, or vehicle capable of motorized operation, not so defined by G.L. c. 90 s. 1, shall be subject to removal by a law enforcement officer by towing and storage in a convenient location. Neither the town, nor its chief of police or his designee, shall be liable for any damages incurred during the removal or storage of any such vehicle removed under this section or in accordance with G.L. c. 266 s.120D.

- d. No person shall utilize the Town of Milford Bicycle Path or Trail, or associated areas, for horseback riding or any purpose other than for recreational or transportation purposes via bicycle riding, roller skating, rollerblading, walking, jogging, running, snow shoeing, or cross country skiing, all of which may only be accomplished by human propulsion. Said users may ride, at a maximum, two-abreast only when it is safe to do so.
- e. Bicycle Path and Trail users shall keep to the right; and when stopping, shall not block the path or trail.
- f. Authorized vehicles shall not exceed the posted speed limit, as established and posted by the Town of Milford, except that emergency vehicles may be operated at a speed in excess of the applicable speed limit provided that the operator exercises caution and due regard under the circumstances for the safety of persons and property, and said vehicle may be driven through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection provided the operator first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.
- g. When approaching a walker, jogger, or runner, the operator of a bicycle or mountain bicycle shall immediately slow their vehicle to a minimum safe operating speed, shall give such pedestrian the right of way, shall not pass until there is a reasonable distance of not less than 50 feet from such person. Bicycle operators shall stop their vehicle, when necessary, to yield the right of way or to prevent an accident. Wherever possible, pedestrians and bicyclists shall keep to the right side of the Bicycle Path or Trail. When passing, Bicycle Path and Rail Trail users shall alert others with an audible signal (voice, bell or horn), and shall pass to the left only when it is safe to do so.
- h. Bicycle Path and Rail Trail users shall stop at intersections and obey all regulatory signs and pavement markings.
- i. All users of Town of Milford Bicycle Paths and Trails, or areas associated therewith, shall yield the right of way to police, fire, emergency medical services or other emergency vehicles.
- j. Town of Milford Bicycle Paths and Trails may be used after dark for transportation and commuting purposes provided that the vehicle is equipped with a white light to the front and a red light to the rear that are visible for at least five hundred (500) feet. Pedestrians must have reflectorized material on their outer garments.
- k. No person shall engage in disorderly conduct including rough play, pushing, shoving and fighting or use obscene language or fighting words while within the confines of a Town of Milford Bicycle Path.
- l. No person shall engage in games which, due to the location or nature of the activity, may cause or tend to cause discomfort, fear or injury to any person, or property, while within the confines of a Town of Milford bicycle Path or Trail.
- m. No person shall promote, sponsor or engage in any race, rally or organized trials event on or within a Town of Milford Bicycle Path or Trail, or associated areas, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town.

- n. No person shall consume or possess an open container of alcoholic beverages while within the confines of a Town of Milford Bicycle Path or Trail, or any area associated therewith.
- o. No person shall leave, place or dispose of in any manner, trash, litter, refuse, garbage, sewage or other material upon said Town of Milford Bicycle Path or Trail, or associated areas, except trash materials designated to be placed within designated trash receptacles.
- p. No person shall solicit, sell, rent, advertise or offer to sell, rent, hawk, peddle, display or distribute any goods, wares, tangible or intangible property, merchandise, liquids or edibles, or services for hire, or render any services for hire, upon any Town of Milford Bicycle Path or Trail, or associated areas, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town. No person shall distribute, erect, or fix any handbill, circular, pamphlet, placard, sign, notice, billboard, poster or any printed matter in or upon any Town of Milford Bicycle Path or Trail, or associated area, except upon compliance with all By-Laws of the Town of Milford and permission and licensing by said Town. Upon approval, licensing and compliance with the By-Laws of the Town of Milford, the licensed or approved, person shall be responsible for removal of all displays and any trash, litter, refuse, garbage, sewage or other material resulting from said licensing or permission.
- q. No person shall enter upon private property from a Town of Milford Bicycle Path or Trail, or any area related thereto, except upon authorization of the owner or person having control of said property.
- r. All laws, by-laws, ordinances, regulations, pertaining to public places shall apply to all paths, trails and areas related to Town of Milford Bicycle Paths.

Section 4. Enforcement; Violations; Arrests; Penalties

- a. Whoever is found not to be in conformance with the requirements of Section Three, shall be in violation of the Town of Milford By-Laws.
- b. Violations shall be punished by a fine of one hundred dollars for the first offense and two hundred fifty-dollars for each subsequent offense.
- c. Whoever violates the provisions of this By-Law may be arrested by a police officer authorized to serve criminal process in the Town of Milford, and may be kept in custody in a convenient place, not more than twenty-four hours; Saturday, Sunday, and Legal Holidays excepted, until they can be taken before a court so that a complaint can be made against them for the offense and then be taken upon a warrant issued upon such complaint.

In addition to any other penalty provided by law, the registered owner of a vehicle towed and/or stored in compliance with this section or G.L. c. 266 s. 120D, shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed for the towing and storage is in conformance with the provisions of G.L. c. 159B s. 6B. However, the tow operator may, at his discretion, if the owner appears before the towing is completed, charge said owner one half of the fee usually charged for such towing.

Section 5. Compliance with General Laws, By-Laws, and Regulations.

In addition to the provisions of the Town of Milford By-Law concerned with Regulating Use of Town of Milford Bicycle Paths, Trails and Associated Areas, said persons shall comply with all other by-laws and regulations of the Town of Milford and General Laws of the Commonwealth of Massachusetts, or take any other action in relation thereto.

Note: Enacted under Article 1 of the October 18, 2004 Special Town Meeting; approved, with deletions by Attorney General on January 7, 2005. Amended STM October 24, 2005, Article 24; approved by Attorney General February 9, 2006.

ARTICLE 35

USE OF PERSONAL MOTORIZED VEHICLES

Section 1. Unlawful Operation.

No Person shall operate a motorized scooter, motorized skateboard, motorized pocket bike or mini-bike, or other similar vehicle (hereinafter referred to as “personal motorized vehicle”) on any town owned or controlled way, unless said person has received expressed written permission to do so from the town official(s) or officer having jurisdiction over the use of said town property, the Town Administrator, or the Chief of Police or said operation is in compliance with the laws of the Commonwealth.

No Person shall operate a personal motorized vehicle on any town owned or controlled sidewalk, park, playground, recreational area, public school property, bicycle path and related areas, or any other property owned or controlled by the Town, unless said person has received expressed written permission to do so from the town official(s) or officer having jurisdiction over the use of said town property, the Town Administrator, or the Chief of Police.

The following personal motorized vehicles shall be exempt from the provisions of this by-law:

- A. Vehicles recognized and registered by the Commonwealth of Massachusetts as motor vehicles.
- B. Vehicles owned or operated by the Federal Government or any federal agency, instrumentality or entity, including the United States Postal Service.
- C. Personal motorized vehicles used by handicapped persons.
- D. Personal motorized vehicles used by local, state, or federal law enforcement agencies and personnel, including police officers or by employees or agencies of the Town or the State.
- E. Landscaping equipment.
- F. Vehicles utilized in a parade pursuant to a parade permit.

Section 2. Conditions on the Grant of Written Permission.

In granting written permission to use a personal motorized vehicle, the issuing official may require the following:

- A. Personal Motorized Vehicle shall be equipped with a braking system and all factory installed safety equipment, to include but not be limited to, a muffler system, lighting, mirrors, etc.
- B. Operator and/or riders shall wear a safety helmet meeting the standards suitable for operation of a motorized vehicle.
- C. Said Personal Motorized Vehicle shall not be operated in a careless or reckless manner so as to endanger the safety of the rider or any other person; or the property of another.
- D. Said Personal Motorized Vehicle shall be operated consistent with and in accordance with the rules of the road as established in the Massachusetts General Laws, to include but not be limited to Chapter 89 and Chapter 90, the Code of Massachusetts Regulations and/or the By-Laws of the Town of Milford.

- E. Said Operator and/or rider shall be in compliance with all applicable local, state and federal laws and regulations.
- F. The authorizing official is further authorized hereby to impose such other restrictions and limitations as deemed appropriate or necessary to protect the public safety, interest and welfare.

All persons using Town property pursuant to a grant of permission shall comply with the restrictions and limitations referenced herein or imposed pursuant hereto.

Section 3. Enforcement and Penalties.

In addition to any other enforcement or penalty allowed under State law or Town by-law, violation of this by-law shall be as follows:

First Offense:	\$ 50.00
Second or Subsequent Offense	\$100.00

Whoever violates the provisions of this By-Law may be arrested by a police officer authorized to serve criminal process in the Town of Milford, and may be kept in custody in a convenient place, not more than twenty-four hours; Saturday, Sunday, and Legal Holidays excepted, until they can be taken before a court so that a complaint can be made against them for the offense and then be taken upon a warrant issued upon such a complaint.

In addition to any other penalty provided by law, the registered owner of a personal motorized vehicle towed and/or stored in compliance with this section shall be liable for charges for the removal and storage of such vehicle; provided, however, that the liability so imposed for the towing and storage is in conformance with the provisions of G.L. c. 159B s. 6B. However, the tow operator may, at his discretion, if the owner appears before the towing is completed, charge said owner one half of the fee usually charged for such towing,

Note: Enacted by Article 15 of the October 18, 2004 Special Town Meeting; approved with deletion, by Attorney General on January 7, 2005.

ARTICLE 36

STORMWATER MANAGEMENT BY-LAW

SECTION I. PURPOSE AND AUTHORITY

1.1 Purpose

The purpose of this By-Law is to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of Milford, and protect and enhance the water quality of watercourses and water bodies, through the management of land development by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff and through the regulation of non-stormwater discharges to the municipal separate storm sewer system.

1.2 Administration

This By-Law shall be administered and enforced by the Town of Milford, acting by and through its Town Engineer, under the supervision of the Board of Selectmen. In the absence of the Town Engineer, administration and enforcement action may be undertaken by such individual or individuals as may be designated in writing by the Board of Selectmen.

SECTION II. DEFINITIONS

The following definitions describe the meaning of the terms used in this By-Law:

“Adverse impact” means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

“Best management practice (BMP)” is a structural or biological device that temporarily stores or treats urban stormwater runoff to reduce flooding, remove pollutants, and manage stormwater runoff. A BMP may also be a non-structural practice that reduces pollutants at their source. BMPs are described in a stormwater design manual, Stormwater Management, Volume Two: Stormwater Technical Handbook (March, 1997, Massachusetts Department of Environmental Protection [MADEP], as updated or amended).

“Construction activity” is disturbance of the ground by removal of vegetative surface cover or topsoil, grading, excavation, clearing or filling.

“Disturbance” is any land clearing, grading, bulldozing, digging, or similar activities.

“Hydrology model” may include one of the following:

- a. TR-20, a watershed hydrology model developed by the Natural Resources Conservation Service (NRCS) that is used to route a design storm hydrograph through a pond;

- b. TR-55, or Technical Release 55, “Urban Hydrology for Small Watersheds”, a publication developed by the NRCS to calculate stormwater runoff and an aid in designing detention basins; or
- c. HydroCad or other comparable software models.

“Illegal discharge” is any direct or indirect non-stormwater discharge to the municipally owned separate storm sewer system, except as exempted in Article X of this By-Law.

“Illicit connections” are defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the municipally-owned separate storm sewer system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

“Municipally owned separate storm sewer system (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- a. Owned or operated by a State, city, township, county, district, association, or other public body (created by or pursuant to State law) including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, that discharges into waters of the state.
- b. Designed or used for collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works.”

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit” means a permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

“Waters of the United States” are surface watercourses and water bodies as defined at 40 CFR § 122.2, including all natural waterways and defined channels and depressions in the earth that may carry water, even though such waterways may only carry water during storms and may not carry stormwater during all times and seasons.

SECTION III. APPLICABILITY

3.1 Applicability

This By-Law shall apply to all flows entering the municipally owned separate storm sewer system (MS4) generated on any developed and undeveloped lands within the Town of Milford including any amendments or revisions thereto, unless explicitly exempted by an authorized enforcement agency.

Prior to the issuance of any building permit for any proposed development listed below, a stormwater management permit, or a waiver of the requirement for a stormwater management permit, must be approved by

the Office of Planning and Engineering. No person shall, on or after the effective date of this By-Law, initiate any land clearing, land grading, earth moving or development activities without first complying with this By-Law. The following activities shall be required to submit drainage reports, plans, construction drawings, specifications and as-constructed information in conformance with the requirements of this By-Law:

3.1.1 Construction activities of any kind disturbing greater than 43,560 square feet (1 acre) or which is part of a common plan of development or sale that will disturb greater than 43,560 square feet (1 acre).

3.2 Exemptions

To prevent the adverse impacts of stormwater runoff, the Milford Office of Planning and Engineering has developed a set of performance standards that must be met at new development sites. These standards apply to construction activities as described under Article III-1. The following activities may be exempt from these stormwater performance standards:

3.2.1 Any agricultural activity which is consistent with an approved soil conservation plan prepared or approved by the Natural Resource Conservation Service.

3.2.2 Any logging which is consistent with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Environmental Management.

3.2.3 Additions or modification to existing single-family structures.

3.2.4 Any emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Office of Planning and Engineering.

3.2.5 Construction activities on sites with an overall area greater than one acre with written certification by a registered professional engineer or registered land surveyor that the land disturbance will be less than one acre.

3.2.6 Projects permitted and approved by the Town of Milford prior to the effective date of this By-Law.

3.2.7 Projects that have filed a Notice of Intent with the Milford Conservation Commission and that included a fully executed Stormwater Management Form and that were designed in conformance with the MADEP's Stormwater Management Policy and the Stormwater Design Manual, and that have obtained a valid Order of Conditions from the Town of Milford Conservation Commission or the MADEP.

3.3 Stormwater Design Manual

A stormwater design manual, Stormwater Management, Volume One: Stormwater Policy Handbook and Volume Two: Stormwater Technical Handbook (March, 1997, MADEP, as updated or amended) is hereby incorporated by reference as part of this By-Law, and shall furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this By-Law.

SECTION IV. COMPATIBILITY WITH OTHER PERMIT AND BY-LAW REQUIREMENTS

This By-Law is not intended to interfere with, abrogate, or annul any other by-law, rule or regulation, statute, or other provision of law. The requirements of this By-Law should be considered minimum requirements, and

where any provision of this By-Law imposes restrictions different from those imposed by any other by-law, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

SECTION V. PERMIT PROCEDURES AND REQUIREMENTS

5.1 Permit Required

No land owner or land operator shall commence any work under a Building Permit, a Definitive Plan for Subdivision, or other grading or land development permit required for land disturbance activities, and no land owner shall commence land disturbance activities, without approval of a Stormwater Management Permit from the Office of Planning and Engineering and meeting the requirements of this By-Law, unless the project has included a fully executed Stormwater Management Form and was designed in conformance with the MADEP's Stormwater Management Policy and the Stormwater Design Manual, and which has obtained a valid Order of Conditions from the Town of Milford Conservation Commission or the MADEP.

5.2 Application Requirements

Application for approval of a Stormwater Management Permit shall include the following:

5.2.1 A complete Stormwater Management and Erosion and Sediment Control Plan (Plan) or an application for waiver shall be submitted to the Milford Office of Planning and Engineering for review and approval for any proposed development specified in Article III-1 prior to or concurrently with any building permit application or Preliminary or Definitive Plan for subdivision approval. Three copies of the Plan shall be submitted, and clearly labeled, along with other documents required in the zoning by-law for site plan review. The Plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Plan shall serve as the basis for all subsequent construction.

5.2.2 An Operation, Maintenance and Inspection Schedule.

5.2.3 Non-refundable permit review and inspection fee.

The applicant may request, and the Milford Office of Planning and Engineering may grant, a waiver from any information requirements it judges to be unnecessary to the review of a particular plan.

5.3 Procedures for Review and Approval of Stormwater Permits

5.3.1 The procedures for review and approval of stormwater management plans shall be consistent with Article V-4 Criteria for Review of Stormwater Permits and Article V-5 Office of Planning and Engineering Action, as appropriate to the use.

5.3.2 The Office of Planning and Engineering shall have seven days from the receipt of the application to review the application for administrative completeness.

5.3.3 The Office of Planning and Engineering shall take final action within twenty-one days of the receipt of a complete application unless such time is extended by agreement between the applicant and the Office of Planning and Engineering. The twenty-one days includes the seven day administrative completeness review period (Article V-3-B) for applications found to be complete. The twenty-one day review period will re-commence upon receipt of a re-submitted application for those applications found to be administratively incomplete.

5.4 Criteria for Review of Stormwater Permits

In addition to other criteria used by the Milford Office of Planning and Engineering in making permit decisions, for the uses specified in this By-Law, the Office of Planning and Engineering must also find that the Stormwater Management Plan submitted with the permit application meets the following criteria:

5.4.1 The Stormwater Management Plan and the Erosion and Sediment Control Plan are consistent with the Purposes and Objectives of this Bylaw in Article I.

5.4.2 The Stormwater Management Plan meets the Performance Standards described in Article VII.

5.4.3 The Erosion and Sediment Control Plan must meet the Design Requirements in Article VIII.

5.5 Office of Planning and Engineering Action

The Office of Planning and Engineering's action, rendered in writing and submitted to the applicant and the appropriate Town Department(s) and Board(s), shall consist of either:

5.5.1 Disapproval of the Stormwater Management Permit Application based on a determination within seven days of the receipt of the application that the application is administratively incomplete;

5.5.2 Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the requirements in Article I and the standards in Article VII and Article VIII and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this By-Law;

5.5.3 Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Office of Planning and Engineering which will ensure that the project meets the purposes in Article I and the standards in Article VII and Article VIII and adequately protects water resources, as set forth in this By-Law; or

5.5.4 Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the requirements in Article I and the standards in Article VII and Article VIII or adequately protect water resources, as set forth in this By-Law.

Failure of the Office of Planning and Engineering to take final action upon an Application within the time specified above shall be deemed to be approval of said Application and shall authorize the applicant to proceed

in accordance with the plans filed unless such time is extended by agreement between the applicant and the Office of Planning and Engineering.

5.6 Inspections

The Office of Planning and Engineering shall inspect the work and either approve it or notify the applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan. Any portion of the work which does not comply shall be promptly corrected by the applicant or the applicant will be subject to the performance guarantee provisions of Article XI or the penalty provisions of Article XII. The Town may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction.

5.7 Right-of-Entry for Inspection

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a municipal drainage system, the filing of a stormwater management permit application shall be deemed as the property owner's permission to the Milford Office of Planning and Engineering or its agent or designee for the right to enter the property at reasonable times and in a reasonable manner for the purpose of the inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this By-Law is occurring or has occurred, and to enter when necessary during emergencies, for abatement of a public nuisance or correction of a violation of this By-Law.

5.8 Application Review and Inspection Fees

The fee for review and inspection of any land development application shall be based on the amount of land to be disturbed at the site and the fee structure established by the Milford Board of Selectmen. All of the monetary contributions shall be credited to the Stormwater Revolving Fund, and shall be made prior to issuance of any building permit for development.

5.9 Permit Duration

Permits issued under this By-Law shall be valid from the date of issuance through the date the Milford Office of Planning and Engineering notifies the permit-holder that all stormwater management practices have passed the final inspection required under permit conditions.

SECTION VI. THE STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

PLAN

6.1 Contents of the Stormwater Management and Erosion and Sediment Control Plan

The application for a stormwater management permit shall consist of submittal of a Stormwater Management and Erosion and Sediment Control Plan (Plan), prepared by a professional engineer licensed by the Commonwealth of Massachusetts, which meets the design requirements provided by this By-Law. The Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The Plan must be designed to meet the Massachusetts Stormwater Management Standards as set forth in Article VII of this By-Law and the MADEP's Stormwater Management Handbook Volumes I and II.

SECTION VII. STORMWATER MANAGEMENT PERFORMANCE STANDARDS

7.1 Minimum Control Requirements

Projects must meet the Stormwater Management Standards of the Massachusetts Stormwater Management Policy.

The Office of Planning and Engineering may waive the requirement that post-development peak discharge rates not exceed pre-development peak discharge rates, in developed urban areas, upon approval of an evaluation of available capacity in the Town's stormwater system, prepared by a Massachusetts registered professional engineer. When the proposed discharge may have an impact upon a sensitive receptor, including streams, and/or storm sewers, the Office of Planning and Engineering may require more stringent controls, based on existing capacity.

7.2 Stormwater Management Measures

7.2.1 Stormwater management measures shall be required to satisfy the minimum control requirements and shall be implemented in the following order of preference:

- a. Infiltration, flow attenuation, and pollutant removal of runoff on-site to existing areas with grass, trees, and similar vegetation and through the use of open vegetated swales and natural depressions;
- b. Stormwater detention structures for the temporary storage of runoff which is designed so as not to create a permanent pool of water; and
- c. Stormwater retention structures for the permanent storage of runoff by means of a permanent pool of water.

7.2.2 Infiltration practices shall be utilized to reduce runoff volume increases. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for BMP selection based on site conditions.

7.2.3 Best Management Practices shall be employed to minimize pollutants in stormwater runoff.

7.2.4 All stormwater management facilities shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.

7.2.5 The designed release rate of any stormwater structure shall be modified if any increase in flooding or stream channel erosion would result at any downstream point.

SECTION VIII. DESIGN REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL PLAN

Projects must meet the erosion and sediment control provisions of the Massachusetts Stormwater Management Policy.

SECTION IX. MAINTENANCE

9.1 Operation, Maintenance and Inspection Schedule for Privately-Owned Facilities

9.1.1 Prior to issuance of any building permit for which stormwater management is required, the Office of Planning and Engineering shall require the applicant or owner to execute an operation, maintenance and inspection schedule (schedule) binding on all subsequent owners of land served by the private stormwater management facility. The schedule shall be designed to ensure that water quality standards are met in all seasons and throughout the life of the system. Such schedule shall provide for access to the facility at reasonable times for regular inspections by the Town or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provision established. The schedule shall include:

- (1) The name(s) of the owner(s) for all components of the system.
- (2) The names and addresses of the person(s) responsible for operation, maintenance, and regular inspections.
- (3) The names and addresses of the person(s) responsible for financing maintenance and emergency repairs.
- (4) An inspection and maintenance schedule for all drainage structures, including swales and ponds.
- (5) The signature(s) of the owner(s).
- (6) A list of easements with the purpose of each and a plan showing the location of each.
- (7) Stormwater management easements as necessary for:
 - (a) Access for facility inspections and maintenance.
 - (b) Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
 - (c) Direct maintenance access by heavy equipment to structures requiring regular cleanout.
- (8) Stormwater management easement requirements:
 - (a) The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
 - (b) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Town.
 - (c) Easements shall be recorded with the Registry of Deeds prior to issuance of a Certificate of Completion.
- (9) Changes to Operation and Maintenance Plans
 - (a) The owner(s) of the stormwater management system must notify the Office of Planning and Engineering of changes in ownership or assignment of financial responsibility.
 - (b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Office of Planning and Engineering and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties

must include owner(s), persons with financial responsibility, and persons with operational responsibility.

9.1.2 The schedule shall also provide that, if after notice by the Town Engineer to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within thirty days, the Office of Planning and Engineering may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties.

9.2 Maintenance Responsibility

9.2.1 The owner of the property on which work has been done pursuant to this By-Law for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, riprap and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

9.2.2 A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan.

9.2.3 Records of installation and maintenance performed on stormwater management facilities shall be maintained with the maintenance schedule.

9.2.4 If failure to maintain BMPs results in the need for the Office of Planning and Engineering to perform all necessary work to place the facility in proper working condition, then the owner(s) of the facility shall be assessed the cost of the work and any penalties.

SECTION X. DISCHARGE PROHIBITIONS

10.1 Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipally owned separate storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the municipally owned separate storm sewer system is prohibited except those discharges described as follows:

10.1.1 Unpolluted discharges from water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, dechlorinated swimming pool water, and fire fighting activities.

10.1.2 Discharges specified in writing by the Milford Office of Planning and Engineering as being necessary to protect public health and safety.

10.1.3 Dye testing with verbal notification to the Milford Office of Planning and Engineering 24 hours prior to the test.

10.1.4 Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

10.2 Prohibition of Illicit Connections

10.2.1 The construction, use, maintenance or continued existence of illicit connections to the municipally owned separate storm sewer system is prohibited.

10.2.2 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

10.2.3 A person is considered to be in violation of this By-Law if the person connects a pipeline conveying sewage into the municipally owned separate storm sewer system, or allows such a connection to continue.

10.2.4 Upon written notification by the Town of Milford, a person who has an illicit connection to the municipally owned storm sewer shall at his own expense remove said illicit connection as soon as possible or be subject to penalties as specified in Article XII herein.

10.3 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, lawn/garden wastes or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition.

SECTION XI. PERFORMANCE GUARANTEE

The Office of Planning and Engineering may require from the developer a cash escrow or other means of security acceptable to the Office of Planning and Engineering prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The guarantee so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this By-Law and other applicable laws and regulations, and any time limitations. The guarantee shall not be fully released without a final inspection of the completed work by the Town Engineer, submission of "As-built" plans, and certification of completion by the Office of Planning and Engineering of the stormwater management facilities being in compliance with the approved plan and the provisions of this By-Law. When a performance guarantee is supplied by the applicant as part of a subdivision, the principal held by the Planning Board may be increased by the amount determined by the Office of Planning and Engineering instead of the Office of Planning and Engineering holding a separate performance guarantee, to avoid the double funding of projects and to avoid the added cost of carrying two performance guarantees. If the applicant chooses such a combined guarantee, the

Planning Board shall not release or reduce the security without written approval of the Office of Planning and Engineering.

SECTION XII. ENFORCEMENT AND PENALTIES

12.1 Violations

Any activity that has commenced or is conducted contrary to this By-Law may be restrained by injunction or otherwise abated in a manner provided by law.

12.2 Notice of Violation

When the Milford Office of Planning and Engineering determines that an activity is not being carried out in accordance with the requirements of this By-Law, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- A. The name and address of the owner/applicant;
- B. The address when available or the description of the building, structure, or land upon which the violation is occurring;
- C. A statement specifying the nature of the violation;
- D. A description of the remedial measures necessary to bring the activity into compliance with this By-Law and a time schedule for the completion of such remedial action;
- E. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- F. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

12.3 Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities, if applicable. This “stop work order” will be in effect until the Milford Office of Planning and Engineering confirms that the development activity is in compliance with this By-Law and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this By-Law.

12.4 Criminal and Civil Penalties

Any person who violates any provision of this by-law, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which the violation continues shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated, shall constitute a separate offense.

12.5 Restoration of Lands

Any person deemed to be a violator of this By-Law may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Milford Office of Planning and Engineering may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

SECTION XIII. SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, or take any other action in relation thereto.

NOTE: As amended STM October 24, 2005, Article 37. Approved by Attorney General February 9, 2006.

ARTICLE 37

OCCUPANCY OF BUILDINGS

SECTION 1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PERSON – The owner of any building and the owner’s agent and employees, and includes an individual, partnership, corporation, trust or association.

TENANT – Tenant, lessee, holder of a lease and any licensee or invitee of such tenant, and includes an individual, partnership, corporation, trust or association.

SECTION 2. Certificate of Registration Required; Posting.

No person shall rent or lease, or offer to rent or lease, any building or any portion of a building to be used for human habitation without first registering with the Board of Health, which shall determine the number of persons such building or portion of a building may lawfully accommodate under the provisions of the Massachusetts State Sanitary Code and applicable Board of Health Regulations, and without first also conspicuously posting within such building or portion of a building a certificate of registration provided by the Board of Health specifying the number of persons such building or portion of a building may lawfully accommodate.

SECTION 3. Number of Persons Restricted.

No tenant shall lease, rent or occupy any building or any portion of a building subject to the provisions of this chapter if, at the time of such lease, rental or occupancy, the number of persons occupying such building or portion of a building exceeds the number of persons authorized to occupy such building or portion of a building by a certificate of registration, if issued and posted, the number of persons that may be lawfully accommodated as determined by the Board of Health under the Massachusetts State Sanitary Code.

SECTION 4. Fee.

There shall be a fee of fifty dollars (\$50.00) to procure a certificate of registration, which shall be valid for one (1) year or to December 31 of each year, whichever is sooner. Thereafter the permit shall be annually renewed at a fee of fifty dollars (\$50.00) per year.

SECTION 5. Revocation or Suspension of Permit.

A permit issued under this chapter may be suspended or revoked, if, at any time, the licensing authorities are satisfied that the licensee is operating, or permitting his premises to be operated, in violation of this Article. Such revocation and/or suspension shall not be undertaken until after investigation and a hearing providing the licensee with an opportunity to be heard. Notice of such hearing shall be delivered to the licensee not less than three (3) days before the time of said hearing.

SECTION 6. Penalty.

Any person or tenant violating any provision of this chapter shall be punished by a fine of not more than three hundred dollars (\$300.00). Each day’s violation constitutes a separate offense.

SECTION 7. Non-applicability.

This chapter shall not apply to boarding and lodging houses licensed under Chapter 140, Sec. 23, of the General Laws; motels licensed under Chapter 140, Sec. 23, of the General Laws; establishments licensed under Chapter 140, Sec. 2, of the General Laws.

SECTION 8. Smoke Detectors.

The owners of all rental units, as defined in 108-2, shall be required to certify annually that operating smoke detectors have been placed in the rental unit. The smoke detectors and locations thereof shall be satisfactory to the Milford Fire Department.

Or take any other action in relation thereto.

NOTE: Adopted STM October 24, 2005, Article 22. Approved by Attorney General February 9, 2006. Amended ATM June 12, 2006, Article 22.

BOARD OF PARK COMMISSIONERS
RULES AND REGULATIONS FOR THE GOVERNMENT AND THE
USE OF ALL OF THE PARKS AND PLAYGROUNDS

The Board of Park Commissioners of the Town of Milford, do hereby make the following rules and regulations for the government and use of the Public Parks and Playgrounds of the Town:

1. No person shall cut or break, dig up, remove or deface any tree, bush, plant, flower, or remove or disturb any turf, or injure or deface any building, structure, seat or fence, or any sign or other things connected with any public park or playground in charge of the Park Commissioners.
2. No person shall set up or play any game of chance within the limits of any park or playground.
3. No person shall sit, stand or lie down on any balustrade, wall, grass plot, curbing, fence or net, or displace, overturn or deface any seat, except by permission of the Park Commissioner.
4. No person shall throw stones, missiles or other objects, within a park or playground, or act in a disorderly manner or have in his possession, use, or be under the influence of intoxicating liquors, drugs or narcotics.
5. No person shall play ball or any other game in any park or playground, except in such portion as may be set apart for that purpose.
6. No person shall refuse or neglect to obey the order or request of any Police Officer, Park Commissioner, Superintendent of Parks, Park Commission employees, or any authorized agent of said Commission.
7. The closing time for all public parks and playgrounds shall be 9:00 P.M.
8. The closing time for the tennis courts shall be at lights out, except by order of the Park Commissioners.

ANY PERSON VIOLATING ANY OF THESE RULES
OR REGULATIONS SHALL BE GUILTY OF A
MISDEMEANOR AND UPON CONVICTION THEREOF,
BE PUNISHED BY A FINE NOT EXCEEDING TWENTY
DOLLARS FOR EACH OFFENSE.

GENERAL RULES DEALING WITH CEDAR SWAMP POND

Rule 1. No person shall enter or leave Cedar Swamp Pond or the premises adjacent thereto owned by the Town except at beaches, at or over the path, walks or other routes as may be provided, or at such other places as the Commission may specially designate.

Rule 2. No person shall in or on Cedar Swamp Pond, or upon any of the said land, solicit the acquaintance of, or annoy another person; or utter any profane, threatening, abusive or indecent language; or solicit any subscription or contribution; or have possession of or drink any intoxicating liquor; or have possession of any instrument of gambling, or do any obscene or indecent act; or preach aloud, or make an oration or harangue, or any political or other canvass except by written authority from said Commission.

Rule 3. No person shall dig up, cut, break, remove, deface, defile or ill-use any building, structure, fence, sign, bush, plant, turf, rock or any other things belonging to the Town of Milford, or have possession of any part thereof.

Rule 4. No person shall throw any stone, or any other missile, or have possession of or discharge any destructive weapon, firearm, firecracker, torpedo, or firework, or make a fire or throw or place upon the ground a lighted match, cigar, cigarette, or other burning substance; or post, paint or affix any sign, notice, placard or advertising device; or, except with written authority from the said Commission, engage in business, sell, or expose for sale, or give away any goods, wares, or circulators; or set a trap or snare or injure or have possession of any wild animal or bird; or injure or destroy any bird's nest of eggs; or drop or place and suffer to remain any piece of paper or other refuse, except in the receptacles designated therefor.

Rule 5. No person shall throw, drop or place in the water channel, in the Pond, or on the beaches any waste paper, rubbish, refuse, debris or other things.

Rule 6. No person shall ride or drive any animal or vehicle on said premises owned by the Town, or bring dogs to the Pond or said premises except on a leash.

Rule 7. No person shall refuse or neglect to obey any reasonable direction of a police officer.

Rule 8. No person shall bathe in this Pond or beaches except in proper costume and at a place designated therefor, and no persons may loiter on or near the bathing beaches. Exception is made as to loitering when parents or guardians accompany their children or other older persons come in charge of children.

Rule 9. No person shall have charge of, row a boat, paddle a canoe, run or drive a boat or canoe propelled by steam, naphtha, gasoline, electric or other motor or engine, except toys, unless he shall have first obtained a written permit therefor from the Commission; or drive the same at a speed exceeding eight miles an hour; or in such a manner as to endanger or annoy others.

Rule 10. Any person violating any of the above rules, shall for each offense, be punished by a fine of not more than twenty dollars.

RULES AND REGULATIONS OF LIBRARY TRUSTEES

There shall be a Board of six Trustees who shall have full authority to do all necessary acts in relation to the maintenance of the Town Library; to make all necessary rules and regulations for its government; to choose all necessary committees and officers; and do all other necessary legal acts to carry out the intention of the Town, and to make the Library an institution of general usefulness to the inhabitants. They shall report to the Town in writing, at the March meeting, giving a statement of their doings, the condition of the Library and its finances.

The Trustees are empowered to appoint a Librarian, whose duty it shall be to take charge of the Library, which shall be kept in good order. During Library hours the rooms shall be open, warmed, and lighted; and the Librarian shall be present for the receipt and delivery of books. He/she shall attach to each book a printed label, on which shall be designated the name of the Library, number of the book, time it may be kept out, and fine for detention over the time mentioned.

STANDING VOTES OF THE TOWN MEETING

Town Meeting Rules

Section 1.

1. Prior to the commencement of any Annual or Special Town Meeting, the Moderator shall appoint from among the representative town meeting members, a monitor from and for each precinct and the membership at large. Any such monitor so appointed shall serve in such capacity until the warrant for that meeting is dissolved.

In the event of the absence of any such monitor from any session of a Town Meeting, the Moderator shall appoint an acting monitor to act in place of the absent monitor. Such acting monitor shall be appointed in the same manner set forth above for the appointment of the monitor for whom he is acting.

2. The monitors shall receive from the Town Clerk, prior to commencement of each session of the Town Meeting, two (2) lists of the representative Town Meeting members in their respective precincts or at large, as the case may be. Prior to the commencement of each such session, the monitor by roll call shall take attendance of said members, and record on each list which members are present and which are absent. One of those lists shall then be filed with the Town Clerk.

3. If during the course of any session of the Town Meeting, a representative Town Meeting member shall arrive at the meeting after the monitor of his precinct or the membership at large, has filed the aforesaid list with the Town Clerk, said member shall indicate to the monitor of the membership at large, as case may be, that he is present. The monitor shall forthwith record such attendance on the second attendance list.

4. At the close of each session of the Town Meeting, each monitor shall file with the Town Clerk the second attendance list, which shall reflect the additions required by Section 3.

5. The Town Clerk shall, at the close of each session of the Town Meeting, compile from the lists an attendance record of the representative Town Meeting members for that session. Such attendance record shall be made available, by the Town Clerk, for public inspection not later than two working days after the date on which said sessions were adjourned.

6. The Board of Selectmen shall cause each attendance record, required by Section 5 to be compiled by the Town Clerk, to be published in the Annual Town Report, and shall otherwise cause such record to be distributed to the public as the Board of Selectmen shall determine to be appropriate.

NOTE: Adopted by Town, May 4, 1977.

Section 2.

Upon the request of 7 Town Meeting members, the vote shall be taken by ballot and the use of the check list in the following manner:

The monitor of each precinct and of the delegates at large shall furnish the members of his division with ballots; as each ballot is deposited the voter's name shall be checked by the monitors; when all have voted who wish to do so, the monitor shall deliver the ballots to a committee appointed by the Moderator; said ballots shall be deposited in one receptacle and thereupon said committee shall proceed to sort and count the ballots and report the accumulated result to the Town Clerk.

This rule shall not be altered, suspended or repealed except by a vote taken by ballot.

NOTE: Adopted by Town, March 10, 1954.

Section 3.

That the meeting establish at this meeting that the rule to "pass over" an article be debatable and this to become effective immediately.

NOTE: Adopted by Town, March 21, 1949.

Section 4.

Reconsideration of any motion or article or any amendment to any motion or article will be allowed if: The first motion for reconsideration is approved by a majority vote of the members present. The second motion for reconsideration is approved by a 43 majority vote of the members present. The third motion for reconsideration is approved by a 2/3 majority vote of the members present and said third motion for reconsideration be allowed for vote at a time after all other Articles in the warrant have been acted upon.

NOTE: Adopted by Town, March 15, 1961.

Section 5.

Any item of equipment or fixtures which is not a replacement, normally referred to as “capital expenditures” or equipment and fixtures whose cost is in excess of \$500.00 and whose expected life is one year or more, shall not be included in the general budget of departments.

If said items of equipment and fixtures, as described above, are included in the general budget of departments Article, said items shall be considered by separate motion.

NOTE: Adopted by Town, March 15, 1961.

Section 6.

When a request for a written ballot is made by a member, no motion shall be accepted by the Moderator until such time as all members have had a reasonable opportunity to request a written ballot.

NOTE: Adopted by Town, March 26, 1956.

TOWN SEAL

Section 1.

There shall be a Town Seal as accepted at the Town Meeting of October 25, 1892. Now G.L. (Ter. Ed.) Ch. 40, Sec. 47.

NOTICE OF TOWN MEETINGS

Notice of every Town Meeting shall be given at least seven days before such meeting by posting attested copies of the Warrant therefore in ten or more public places located in the Town of Milford. A copy of the Warrant shall be received by first class mail to all Town Meeting members at least seven days before such meetings.

NOTE: Approved by Town, Sept. 16, 1935.
Amended, ATM June 12, 1989, Article 37.
Amended, STM Oct. 25, 2000, Article 2.

TOWN REPORTS

Section 1.

The annual report of each department of the Town must contain an itemized list of the annual expenditures of said departments and the same shall be printed in the annual report of the Town of Milford.

NOTE: Adopted by Town, March 9, 1936.

THE VERNON GROVE CEMETERY BY-LAWS

Section 1. This Cemetery shall hereafter be known as Vernon Grove Cemetery.

Section 2. The Town shall choose a Board of six Trustees who shall be chosen and hold their office as is provided in the General Statutes for the Board of School Committee, and all vacancies in the Board shall be filled in the same manner as is provided for filling vacancies in the Board of School Committee provided the check list may be dispensed within the election of said Trustees, who shall have the care of the grounds, trees, avenues, paths, fences and other property of the Town pertaining to said Cemetery, and shall make and publish all necessary regulations concerning the use of the same by visitors or others deemed necessary for the protection and preservation of the same.

Section 3. A certain portion of the ground in said Cemetery suitable for burial purposes (not exceeding one fourth part) shall be set apart and reserved by the Trustees, as free burial ground for the use of such citizens of the Town as shall not possess lots therein.

Section 4. (As amended by vote of Town on March 22, 1939.) The said Board of Trustees shall appraise the lots laid out in said Cemetery, according to their relative value, at a price to be determined and fixed by the Trustees in the exercise of their sound discretion, and the price so determined shall be affixed to the number of each lot on the plan of said Cemetery.

NOTE: Originally this read: The said Board of Trustees shall appraise the lots laid out in the said Cemetery, according to their relative value at a price not less than three dollars and not more than fifteen dollars each and affix the

price of lots to the number on the plan of said Cemetery.

Section 5. The Trustees shall and they hereby are authorized to give deeds of lots in Vernon Grove Cemetery, in exchange for lots which are or may be needed in the Cemetery near the Railroad Depot.

Section 6. The Trustees are further authorized to give deeds in behalf of the Town of all such lots in said Cemetery as shall be laid out and appraised for burial purposes to such persons as shall purchase and pay for said lots at their appraised value.

Section 7. All deeds of lots given by the Trustees shall be subject to the following conditions and privileges:

1. Any owner of a lot erecting fence or enclosure around the same may extend said fence or enclosure six inches on each side upon the adjoining lands reserved for walks and ornamental purposes.
2. Any owner of a lot may occupy the border grounds between his lot and the walks and avenues for ornamental purposes provided that no plant, shrub, or structure, therein any way injure or obstruct the lots, walks or paths adjoining said grounds.
3. No person shall be allowed to drive any team or carriage (other than by hand) over any foot paths or occupied or unoccupied lots without special leave of one or more of the Trustees.
4. No forest or shade tree shall be removed from said lots or grounds without leave of the Trustees; and when so removed said trees shall be the property of the Town.

Section 8. All monies received by the Trustees for the lots in this Cemetery and the avails of all lots received in exchange for said lots, shall constitute a fund for the purpose of defraying the expenses of repairing and improving the avenues, walks, and public grounds in the Cemetery.

Section 9. (Added by vote of Town, March 22, 1939.) The Trustees are authorized to assess each lot owner a reasonable sum necessary for the care and improvement of said lot at an annual rate or by the acceptance of a sum of money to be held in trust, the proceeds of which are to be used for perpetual care of the same under General Laws (Ter. Ed.) Ch. 114, Sec. 19.

Adopted by the Town, November 5, 1861.

RULES AND ORDERS FOR THE REGULATION OF
CARRIAGES AND VEHICLES FOR HIRE

(a). DEFINITION OF “HACKNEY CARRIAGE”.

Every vehicle (other than a bus) used or to be used for the conveyance of persons for hire from place to place within the Town of Milford shall be deemed to be a hackney carriage within the meaning of these rules and orders.

(b). PROVIDING FOR HACKNEY CARRIAGE LOCATIONS.

No vehicle shall be licensed as a hackney carriage, if it is to be operated from a stand on a public way unless the owner has been granted, by the Selectmen, a taxi-cab stand under Section 7 of Article V, Traffic Rules and Orders of the Town of Milford, nor, if the vehicle is to be operated from private property, unless the location has been approved by the Board of Selectmen.

(c). PROVIDING FOR HACKNEY CARRIAGE LICENSES.

No vehicle shall be used as a hackney carriage unless licensed thereto by the Chief of Police. Every application for such a license shall state the rated number of passengers which such vehicle is designed to carry, and, if a motor vehicle, the maker's name, the engine number and the Massachusetts automobile registry number of the vehicle and shall contain such other information as the Chief of Police may reasonably require. To each hackney carriage licensed in accordance with this subsection, the Chief of Police shall assign a permanent number, which number shall not be changed so long as the vehicle is owned or operated by the applicant.

The Chief of Police shall refuse a license for, or, if already issued, shall revoke or suspend the license of, any hackney carriage found by him to be unfit or unsuited for public patronage.

Every license issued pursuant to this subsection shall, unless sooner revoked, expire on the last day of March of each year.

(d). PROVIDING FOR HACKNEY CARRIAGE DRIVER'S LICENSE.

No person shall drive or have charge of a hackney carriage, nor shall the owner or person having the care or ordering of a hackney carriage suffer or allow any person to drive or have charge of a hackney carriage, unless such person is licensed thereto by the Chief of Police. Each application for such a license shall be accompanied by two recent photographs of the applicant of a size satisfactory to the Chief of Police and shall

contain such information as the Chief of Police may reasonably require. No person shall be eligible for a license to drive a hackney carriage who has not attained the age of eighteen years (except that this requirement shall not apply to licenses now outstanding); or who cannot read, write and speak the English language intelligently; or who is intemperate in the use of intoxicating liquors; or who does not hold a valid license as a chauffeur issued to him by the Massachusetts Registry of Motor Vehicles.

One of the photographs supplied with the application shall be attached to the licenses and in such manner that it cannot be removed and another photograph substituted without detection.

The Chief of Police shall refuse to issue a license to, or if issued, revoke or suspend the license of, any person not then eligible for a license or who is found by him to be unfit or unsuitable to drive hackney carriage.

Every license issued pursuant to this subsection shall, unless sooner revoked, expire on the last day of April of each year.

(e). IDENTIFICATION OF HACKNEY CARRIAGE AND DRIVER.

The license number permanently assigned to a hackney carriage shall be plainly displayed in the center of each of the front doors of the hackney carriage and on the rear of the hackney carriage to the right of the number plate and eight inches above the top line of the rear bumper: the digits of said numbers shall be five inches in height and three-quarters of an inch in width and shall be in a color contrasting with the color of the background on which it is painted.

Any other material may be contained on the front doors and on the rear of the hackney carriage, provided it does not detract from the prominence of said license number.

The license number shall be displayed as above provided whenever the vehicle is being used as a hackney carriage unless it is being used for a wedding party, in a funeral procession or on a trip more than ten miles beyond the boundaries of the line of Milford, if at least two of the passengers are adults.

Each hackney carriage shall have attached to the sun visor on the driver's side a transparent frame of suitable size plainly visible to passengers; one side of which frame shall contain the hackney carriage license and the other, the driver's license with a photograph in uniform cap.

The owner or person having care or ordering of a hackney carriage shall keep a record from which it may be determined the name of the driver of each hackney carriage at any particular time, and of all trips made by such driver and shall keep on file with the Chief of Police an accurate schedule of the hours during which each hackney is in operation.

(f). MAXIMUM NUMBER OF PASSENGERS.

No driver, owner, or person having the care or ordering of a hackney carriage shall suffer or allow a greater number of passengers to be carried in a hackney carriage than shall be stated in the license. No person (other than the driver) shall be permitted to ride in the front if there is room in the rear of hackney carriage; nor shall any one be permitted to ride on the running board or outside the body of such vehicle. No driver, no owner or person having the care or ordering of any hackney carriage shall take up or carry any passenger, until such prior passenger shall have discharged said vehicle, without the consent of such prior passenger; and no such prior passenger shall be obligated or requested to pay an extra fare or fee for refusing such consent.

(g). PAYMENT OF FARE.

The driver of a hackney carriage may demand the fare in advance and has the right to refuse employment unless so paid. When requested to do so a driver of a hackney carriage shall give his passenger a receipt for the fare paid.

(h) DRIVERS SHALL SEARCH EACH CARRIAGE AFTER DELIVERY PASSENGER.

Every driver of a hackney carriage shall immediately after delivering any passenger, search said carriage for any property which may have been left therein, and any property found therein by any person having the care of any hackney carriage, and not restored to the owner thereof within twenty-four hours, shall be delivered by the finder thereof to the Chief of Police, the finder taking a receipt therefore.

(i) BADGE NUMBERS, HOW TO BE WORN, ETC.

Badge numbers must be worn upright, and so placed as to be easily read from the front, whether the licensed person be on foot or in his vehicle. Such numbers are to remain the property of the Police Department, to be returned to the office of the Chief of Police, should a licensee have his license revoked or suspended, or should he cease to be a driver of a hackney carriage.

(j) CHANGE OF ADDRESS.

When a licensed owner changes his address of the place at which a hackney carriage owned by him is kept, or when a licensed driver changes his home address, his place of employment or his employer, he shall within twenty-four hours of such change, notify the Chief of Police.

(k). LICENSED OWNERS SHALL NOTIFY THE CHIEF OF POLICE OF ANY CHANGE IN CERTIFICATE OF REGISTRATION.

Notice in writing shall be given to the Chief of Police by licensed owners immediately upon any changes of certificate of registration of a motor hackney license, issued by the Registrar of Motor Vehicles.

(l). LICENSED OWNERS TO NOTIFY THE CHIEF OF POLICE WHEN DRIVERS END SERVICE.

Notice in writing shall be given to the Chief of Police within two days by any owner when a licensed driver ceases to be in his employ.

(m). ASSIGNMENT OF LICENSE.

No license provided for in this rule shall be sold, assigned or transferred. Any licensee shall cease to be the owner or driver of a hackney carriage shall at once surrender his license to the Chief of Police and, in the case of a hackney carriage, shall forthwith remove therefrom all signs identifying the vehicle as a hackney carriage.

(n) POLICE OFFICERS SHALL OBSERVE MOVEMENTS OF HACKNEY CARRIAGES AND DRIVERS SHALL ANSWER FULLY AND CIVILLY ALL QUESTIONS.

It is the duty of police officers to observe the movements of hackney carriages, especially at night, and at all times to see that the rules governing such carriages and their drivers are obeyed, and licensed drivers shall be respectful to and will answer fully and civilly any questions put to them by police officers in the performance of their duty.

(o). VIOLATIONS.

A violation of this rule by any licensee or employee thereof shall be sufficient cause for the revocation or suspension of any license held by the licensee or employer thereof. The revocation or suspension of a license shall be in addition to and not as a substitute for any penalty provided for in Article VIII of these Rules and Orders.

(p). SUBHEADINGS.

The use of subheadings is for convenience only and no subheading shall be construed to enlarge or diminish the scope of the subsection to which it is appended.

Effective December 15, 1951, as voted by Selectmen on November 5, 1951.
Amended, March 5, 1990.

GENERAL BY-LAWS OF THE TOWN	
Preface	74
Annual Town Meeting – Article 1	75
Finance Committee – Article 2	75
Selectmen – Article 3	77
Legal Department – Article 3A	77
Treasurer – Article 4	78
Town Solicitor – Article 5	79
Industrial Development Commission – Article 6	79
Town Property and Affairs – Article 6A	80
Annual Audit	80
Disposal of Surplus Property	80
Town Vehicles to be Marked	80
Police Department – Article 7	81
Planning Board – Article 8	82
Requirements in Town Contracts – Article 9	82
Bond Requirements	82
Procedural Requirements	83
Purchase Orders	83
JUNK DEALERS AND DEALERS IN SECOND-HAND	
ARTICLES – Article 10	83
Rules and Regulations	84
HAWKERS AND PEDDLERS – Article 11	85
COUNCIL ON AGING – Article 11A	88
STREETS AND SIDEWALKS – Article 12	89
USE OF STREETS AND SIDEWALKS – Article 13	92
CURFEW – Article 14	96
MISCELLANEOUS PROVISIONS – Article 15	97
Loitering	97
Obstructing Travelers	97
Street Lights	97
Hydrants, etc., obstruction	97
Contents of Cesspools, etc. in streets	98
Alcoholic Beverage Drinking on Public Property	98
Parking on Public Property	98
Dirt Bikes Prohibited	99
DOG CONTROL LAW – Article 15A	99
Disturbing the peace	99
Complaint of Nuisance	100
Restraint of dogs	100
License and Tags	100
Duties of Dog Officer	100
Muzzling or Confinement of Dogs	101
Penalty	101
Disposition of Funds	102

TIME OF TAKING EFFECT – Article 16	102
CEDAR SWAMP POND DEVELOPMENT COMMISSION – Article 17	102
CAPITAL IMPROVEMENT COMMITTEE – Article 18	103
UTILITY POLES – Article 19	106
SNOW AND ICE REMOVAL OF VEHICLES – Article 20	107
FIRE REGULATIONS – Article 20A	108
HAZARDOUS MATERIALS AND WASTE COST RECOVERY – Article 20B	109
ANNOYANCE AND DISTURBANCE ON PRIVATE PROPERTY – Article 21	110
HANDICAPPED PARKING – Article 22	111
RESIDENCY REQUIREMENT FOR FIREFIGHTERS – Article 23	112
RESIDENT ONLY PARKING – Article 24	112
FEES OF TOWN CLERK – Article 25	113
MISCELLANEOUS FEES – Article 25A	115
TAX PAYMENTS AS LICENSE, ETC. CONDITION – Article 26	115
MILFORD COMMISSION ON DISABILITY – Article 27	116
INTEREST ON CHARGES AND FEES – Article 28	119
JUNK MOTOR VEHICLES – Article 29	120
NON-CRIMINAL DISPOSITION OF TOWN BY-LAWS OR RULES AND REGULATIONS – Article 30	121
PROPERTY MAINTENANCE STANDARDS – Article 31	121
POLICE CHIEF SELECTION BY-LAW – Article 32	124
WETLANDS ADMINISTRATION BY-LAW – Article 33	126
USE OF BICYCLE PATHS, TRAILS AND ASSOCIATED AREAS – Article 34	132
USE OF PERSONAL MOTORIZED VEHICLES – Article 35	137
STORMWATER MANAGEMETN BY-LAW – Article 36	139
OCCUPANCY OF BUILDINGS – Article 37	151

BOARD OF PARK COMMISSIONERS RULES AND REGULATIONS FOR THE GOVERNMENT AND THE USE OF ALL OF THE PARKS AND PLAYGROUNDS	153
GENERAL RULES DEALING WITH CEDAR SWAMP POND	154
RULES AND REGULATIONS OF LIBRARY TRUSTEES	155
STANDING VOTES OF THE TOWN MEETING	156
TOWN SEAL	158
NOTICE OF TOWN MEETINGS	158
TOWN REPORTS	159
THE VERNON GROVE CEMETERY BY-LAWS	159
RULES AND ORDERS FOR THE REGULATION OF CARRIAGES AND VEHICLES FOR HIRE	161